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The President

PROCLAMATION 2694

DESIGNATING PROPERTIES SUITABLE FOR DIPLOMATIC AND CONSULAR ESTABLISH- MENTS OF THE UNITED STATES IN THE PHILIPPINE ISLANDS

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS section 10 of the act of March 24, 1934, 48 Stat. 463, as amended by section 3 of the act of August 7, 1939, 53 Stat. 1230, provides in part as follows:

"(c) (1) Whenever the President of the United States shall find that any properties in the Philippines, owned by the Philippine Government or by private persons, would be suitable for diplomatic or consular establishments of the United States after the inauguration of the independent Government, he may, with the approval of the Philippine Government, and in exchange for the conveyance of title to the United States, transfer to the said Government or private persons any properties of the United States in the Philippines. Title to any properties so transferred to private persons, and title to any properties so acquired by the United States, shall be vested in fee simple in such persons and the United States, respectively, notwithstanding the provisions contained in subsection (a) of this section.

"(2) Whenever, prior to July 4, 1946, the President of the United States shall find that any properties of the United States in the Philippines would be suitable for diplomatic and consular establishments of the United States after the inauguration of the independent Government, he shall designate the same by the issuance of a proclamation or proclamations, and title to any properties so designated shall continue to be vested in fee simple in the United States notwithstanding the provisions contained in subsection (a) of this section."

AND WHEREAS I find that the hereinafter described properties will be suitable for diplomatic and consular establishments of the United States after the inauguration of the independent Philippine Government:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate the following described properties in the Phil-

ippine Islands as suitable for diplomatic and consular establishments of the United States after the inauguration of the independent Philippine Government.

1. All lands and buildings pertaining to the official residences of the United States High Commissioner to the Philippine Islands in the Cities of Manila and Baguio, together with all fixtures and movable objects.

2. All that plot of land, including the improvements thereon, and designated as Lot No. 17B1 of Subdivision Plan PSC-4355 G K. R. O. Cadastral record No. 189, being a portion of Lot No. 17B, Block 2058 of Cadastral survey of the City of Manila, situated in District of Binondo and bounded on the northeast by Calle David, on the southeast by Lot No. 17B2, and on the northwest by property of heirs of Pedro R. Roxas (Lot 18); containing an area of 1,255 square meters and 60 square decimeters, more or less. Title registered in the name of the Government of the United States of America on April 13, 1946, by transfer Certificate of Title 76700, recorded by Register of Deeds for the City of Manila in Book T289, Page 200. This property is known as the Heacock Building.

3. All that plot of land, including the improvements thereon, designated as Lot No. 6 of Block 501 of the Cadastral survey for the City of Manila, situated in the District of Malate, bounded on the northeast by part of Calle M. H. Del Pilar (Lot No. 15 of Block No. 501), on the southeast by property of Mercedes Martines MacLeod (Lot No. 5 of Block No. 501), on the southwest by property of the City of Manila (Lot No. 9 of Block No. 501), and on the northwest by public property reserved for military purposes (Lot No. 8 of Block No. 501), and by military reservation; containing a total of 3490 square meters and 30 square decimeters, more or less. Title registered in the name of the Government of the United States of America on May 22, 1946, by transfer Certificate of Title 79309, recorded by Register of Deeds for the City of Manila in Book T272, Page 59.

4. All that plot of land, including the improvements thereon, situated in the District of Malate, and designated as Lot 29B of Subdivision plan portion of Lot 29, Block 539 of Cadastral survey of the City

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¹ Proc. 2696.

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² E.O. 9747.

of Manila, the area containing 3464 square meters and 80 square decimeters, more or less.

5. All that plot of land, including the improvements thereon, designated as Lot No. 860 under Certificate of Title 12515 and Tax Declaration 2860 for Pasay, located on Dewey Boulevard, Pasay, Rizal, Philippines, area containing 6499 square meters and 40 square decimeters, more or less.

6. All that plot of land, including the improvements thereon, designated as Lots A, B1, and B2B, parts of Block No. 33 of Pasay Estates Company Ltd., in the District of San Rafael, Municipality of Pasay, Province of Rizal; the three parcels of land forming one unit bounded on the north by Del Pan Avenue, on the east by property of F. C. Laing and Lot B2A, on the south by property of De La Rama Steamship Company, and on the west by Dewey Boulevard; containing a total area of 5,712 square meters and 92 square decimeters, more or less. Title registered in the name of the Government of the United States of America by Register of Deeds for the City of Manila on June 4, 1946, by transfer Certificates of Title 48576, recorded in Book T252, Page 126, 48577 recorded in Book T252, Page 127, and 48578 recorded in Book T252, Page 128.

7. All that plot of land, including the improvements thereon, and designated

as Lot No. 23, Block No. 2633, situated in the District of San Miguel, City of Manila, bounded on the north by Calle Arlegui, on the east by Lot No. 24, Block No. 2633, on the southeast by Lot No. 17, Block No. 2633, on the southwest by Lot No. 19, Block No. 2633, and on the west by Lot No. 18, Block No. 2633; containing an area of 4,924 square meters and 60 square decimeters, more or less. Recorded by Register of Deeds for the City of Manila as Transcript Certificate of Title No. 73102, Book No. 250, Page 232.

8. All that plot of land, including the improvements thereon, designated as Lot No. 9 of Block No. 501 of Cadastral survey of the City of Manila, situated in the Districts of Ermita and Malate, bounded on the northeast by Lot No. 6 of Block No. 501, on the southeast by Lots 5 and 10 of Block 501, on the southwest by Cavite Boulevard, and on the northwest by Lot No. 8 of Block No. 501; containing a total area of 289 square meters and 40 square decimeters, more or less. Title registered in the name of the Government of the United States of America on May 22, 1946, by transfer Certificate of Title 79310, recorded by Register of Deeds for the City of Manila in Book T272, Page 60. This property is known as the Dewey Arms Apartments.

9. All that plot of land, including the improvements thereon, and designated on the Consolidated Plan as Lots No. 3-B, 4, 5, 8 and 9, Block No. 355 of Cadastral survey of the City of Manila, plan PCN-141, bounded on the southeast by Lots No. 2 and 6 of Block 355, on the northeast by L. Guerrero Street, formerly Calle, on the northwest by Padre Faura Street, on the southwest by Dewey Boulevard; the area containing 3367 square meters and 80 square decimeters, more or less.

And I hereby authorize and direct the Secretary of the State, on behalf of the United States, to enter into and conduct suitable negotiations for the acquisition of title to any of the above described properties the title to which is not vested in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 3rd day of July, in the year of our Lord nineteen hundred and forty-six, and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 46-11844; Filed, July 8, 1946; 11:53 a. m.]

PROCLAMATION 2695

INDEPENDENCE OF THE PHILIPPINES

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS the United States of America by the Treaty of Peace with Spain of December 10, 1898, commonly known as the Treaty of Paris, and by the Treaty

with Spain of November 7, 1900, did acquire sovereignty over the Philippines, and by the Convention of January 2, 1930, with Great Britain did delimit the boundary between the Philippine Archipelago and the State of North Borneo; and

WHEREAS the United States of America has consistently and faithfully during the past forty-eight years exercised jurisdiction and control over the Philippines and its people; and

WHEREAS it has been the repeated declaration of the legislative and executive branches of the Government of the United States of America that full independence would be granted the Philippines as soon as the people of the Philippines were prepared to assume this obligation; and

WHEREAS the people of the Philippines have clearly demonstrated their capacity for self-government; and

WHEREAS the Act of Congress approved March 24, 1934, known as the Philippine Independence Act, directed that, on the 4th day of July immediately following a ten-year transitional period leading to the independence of the Philippines, the President of the United States of America should by proclamation withdraw and surrender all rights of possession, supervision, jurisdiction, control, or sovereignty of the United States of America in and over the territory and people of the Philippines, except certain reservations therein or thereafter authorized to be made, and, on behalf of the United States of America, should recognize the independence of the Philippines:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do proclaim that, in accord with and subject to the reservations provided for in the applicable statutes of the United States,

The United States of America hereby withdraws and surrenders all rights of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States of America in and over the territory and people of the Philippines; and,

On behalf of the United States of America, I do hereby recognize the independence of the Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, under the constitution now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this Fourth day of July in the year of our Lord, nineteen hundred and [SEAL] forty-six, and of the Independence of the United States of America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 46-11843; Filed, July 8, 1946; 11:53 a. m.]

PROCLAMATION 2696

IMMIGRATION QUOTA FOR PHILIPPINE ISLANDS

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that pursuant to the duty imposed and the authority conferred upon them in and by sections 11 and 12 of the Immigration Act of 1924 approved May 26, 1924 (43 Stat. 159, 161) and Reorganization Plan No. V (3 CFR Cum. Supp., Ch. IV), they jointly have made the revision provided for in section 12 of the said act and have fixed the quota for the Philippine Islands in accordance therewith to be as hereinafter set forth.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the power in me vested by the aforesaid act of Congress, do hereby proclaim and make known that the annual quota for the Philippine Islands effective July 4, 1946, for the remainder of the fiscal year ending June 30, 1947, and for each fiscal year thereafter, has been determined in accordance with the law to be, and shall be, 100.

The immigration quota of 50 authorized by section 8 (a) (1) of the Act approved March 24, 1934, entitled "An Act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes" (48 Stat. 462; 53 Stat. 1230; 48 U.S.C. 1238), which Act was accepted by concurrent resolution of the Philippine Legislature on May 1, 1934, and which became effective on that date, will become inoperative on July 4, 1946, the date the Government of the United States recognizes the independence of the Philippine Islands as a separate and self-governing nation.

The immigration quota assigned to the Philippine Islands is designed solely for purposes of compliance with the pertinent provisions of the Immigration Act of 1924 and is not to be regarded as having any significance extraneous to this subject.

This proclamation shall have the effect of amending Proclamation 2283 of April 28, 1938, and is the third amendment to that proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 4th day of July, in the year of our Lord nineteen hundred and forty-six [SEAL] and of the Independence of the United States of America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 46-11845; Filed, July 8, 1946; 11:53 a. m.]

EXECUTIVE ORDER 9747

CONTINUING THE FUNCTIONS OF THE ALIEN PROPERTY CUSTODIAN AND THE DEPARTMENT OF THE TREASURY IN THE PHILIPPINES

By virtue of the authority vested in me by the Constitution and statutes, including Title III of the First War Powers Act, 1941 (50 U.S.C. App., Sup., 616 et seq.), as amended, the Trading With the Enemy Act of October 6, 1917 (50 U.S.C. App., 1 et seq.), as amended, and Public Law No. 485, 79th Congress, approved July 3, 1946, and as President of the United States, it is hereby ordered as follows:

The terms and provisions of Executive Order 9095 of March 11, 1942, as amended, and Executive Order No. 8389 of April 10, 1940, as amended, shall continue in force in the Philippines after July 4, 1946, and all powers and authority delegated by the said Executive Orders to the Alien Property Custodian and to the Secretary of the Treasury, respectively, shall after July 4, 1946, continue to be exercised in the Philippines by the said officers, respectively, as therein provided.

HARRY S. TRUMAN

THE WHITE HOUSE,

July 3, 1946.

[F. R. Doc. 46-11841; Filed, July 8, 1946; 11:46 a. m.]

EXECUTIVE ORDER 9748

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE NORTHWEST AIRLINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS dispute exists between the Northwest Airlines, Inc., a carrier, and certain of its employees represented by the International Association of Machinists, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within several States of the Union, to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Northwest Airlines, Inc., or

its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,

July 3, 1946.

[F. R. Doc. 46-11842; Filed, July 8, 1946; 11:46 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 42b, Amdt. 10]

PART 1460—FATS AND OILS

USE OF FATS AND OILS IN SOAP

War Food Order No. 42b, as amended (9 F.R. 12080, 13619; 10 F.R. 103, 1315, 3127, 5060, 9313, 12250, 14686; 11 F.R. 2629, 5105), is further amended to read as follows:

§ 1460.33 *Use of fats and oils in soap*—(a) *Definitions*. (1) "Fats and oils" means all the raw, crude, refined and pressed fats and oils, whether vegetable, animal, fish or other marine animal, their by-products and derivatives, including foots, grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, lard and rendered pork fat, and the fat and oil content of soap or any other product, but not including glycerine, cocoa butter, butter, wool grease or fat, essential oils, tall oil, mineral oils, and vitamin-bearing oils (including their by-products and derivatives) obtained from fish or other marine animal livers or viscera.

(2) "Manufacturer" means any person who used fats and oils in the manufacture of soap. The term shall also include a soap converter.

(3) "Soap converter" means any person who uses soap made by others as a raw material and, by the addition of other materials or ingredients, makes a finished product which is sold for detergent purposes. The term "soap converter" shall not include persons who merely add small amounts of color or perfume to the original soap, or who merely dissolve paste or other soaps in water to make liquid soaps.

(4) "Soap" means the water-soluble product formed by the saponification or neutralization of fats, oils, or their fatty acids with organic, sodium or potassium bases; or any composition containing such products, including all types of shaving soap and shaving cream, and including synthetic detergents made from fats and oils or other derivatives.

(5) "Package and bar soap" means all bar soap, however packed, and all other soap originally packed in unit packages containing less than 25 pounds net.

(6) "Bulk package soap" means any soap, except bar soap, originally packed in unit packages containing 25 pounds net or more.

(7) "Abrasive hand soap" means paste and powdered soap products sold regu-

larly for the removal of soil from the human skin, which contain by weight, on a moisture-free basis, not less than 10 percent nor more than 40 percent anhydrous soap, and not less than 25 percent abrasive material of an organic or inorganic nature to facilitate soil removal.

(8) "Foots" means the by-product residue or the derivatives thereof obtained in the refining of any fat or oil, except linseed oil, where such refining is accomplished by treatment of such fat or oil with any alkaline material.

(9) "Washed, recovered linseed oil" means the by-product residue or the derivatives thereof obtained in the refining of linseed oil where such refining is accomplished by treatment of linseed oil with any alkaline material.

(10) "Base period" means the calendar years 1940 and 1941.

(11) "Exempt agency" means (i) the Army, Navy, Marine Corps, or Coast Guard of the United States; (ii) the United States Department of Agriculture, including any corporate agency thereof; and (iii) the War Shipping Administration or any approved ship supplier designated as such by the War Shipping Administration.

(12) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(13) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, or any employee of the United States Department of Agriculture to whom the Administrator has delegated, or may hereafter delegate, any or all of the authority vested in him by this order.

(14) "Inventory" means, with respect to soap, the quantity of soap owned by any person, wherever located, excluding a soap converter's stock of finished products.

(15) "Current rate of consumption," as determined on any particular date, means (i) the amount of soap used for a specific purpose during the 45-day period immediately prior to such date, or (ii) the amount of soap scheduled for use for a specific purpose during the 45-day period immediately following such date.

(16) "Builder" means any water-soluble alkaline compound added to soap to aid or increase its detergent properties, excluding sodium or potassium hydroxide.

(17) "Synthetic detergents" means any water-soluble, surface-active, organic material possessing detergent and wetting properties which are retained in aqueous solution of calcium or magnesium chloride.

(18) "Rosin" means the common rosin obtained from trees of the pine family and includes gum rosin, wood rosin, hydrogenated rosin, polymerized rosin, rosin or abietic acid separated from tall oil, and crude or refined tall oil as such.

(b) *Restrictions on manufacture*. (1) Except as hereinafter provided, no manufacturer shall, in any calendar quarter, use fats and oils as herein defined in the manufacture of soap in excess of a quota equal to the permitted percentage of the

average amount of fats and oils used in such class of soap during the corresponding calendar quarters of the base period:

Class of soap:	Permitted percentage
Package and bar soap.....	78
Bulk package soap.....	84

(2) Any manufacturer who has used his quotas for all classes of soap for any calendar quarter may use up to 10,000 pounds of fats and oils, in the aggregate, for soap in such calendar quarter in addition to his quotas. This additional usage shall not constitute a quota under any provision of this order. Any unused portion of such permitted additional usage shall not be carried forward to a succeeding calendar quarter.

(3) Any manufacturer who does not use his entire quota for any calendar quarter may carry the unused portion of such quota forward only to the succeeding calendar quarter and may use the same in the succeeding calendar quarter after his regular quota for such quarter has been used.

(4) For the purpose of determining the quantity of raw "foots" or "washed, recovered linseed oil" which may be used, use shall be calculated on the basis of total fatty acid content.

(5) All restrictions on the use of fats and oils are imposed with respect to aggregate quantities, and such restrictions are not to be construed as limiting a manufacturer to the use of the same fat or oil used in the base period.

(6) No manufacturer shall use lard or rendered pork fat in the manufacture of soap unless the lard or rendered pork fat so used was purchased by such manufacturer prior to November 13, 1944.

(c) *Quota exemptions.* Nothing in (b) (1) hereof shall restrict the following uses of fats and oils:

(1) Use by any manufacturer who used fats and oils in soap prior to July 1, 1943, and whose total use in any calendar quarter is not over 15,000 pounds, exclusive of use pursuant to (c) (2) or (c) (3) hereof; or the use by any manufacturer whose use of fats and oils did not begin until on or after July 1, 1943, and whose total use in any calendar quarter is not more than 1,000 pounds, exclusive of use pursuant to (c) (2) or (c) (3) hereof. The permitted usage under this section (c) (1) shall not constitute a quota under any provision of this order;

(2) Subject to the provisions of (d) hereof, use in soap delivered or contracted for delivery, directly or through intermediate distributors, to:

(i) An exempt agency, or the Veterans' Administration, pursuant to the provisions of a contract;

(ii) Any person for use in laundering under contract with an exempt agency or with the United States Maritime Commission; or

(iii) Any person or agency specified by the Administrator.

(3) Use in soap for shipment for export to the Dominion of Canada or to any other country pursuant to an export license issued by the Office of International Trade, Department of Commerce.

(4) Subject to the provisions of (d) hereof use in abrasive hand soap, or in

soap used for non-detergent purposes or for the processing of textiles;

(5) Subject to the provisions of (d) hereof use in soap sold or contracted for sale to soap converters for further processing.

(d) *Certificates.* (1) Any delivery of soap made through an intermediate distributor to an exempt agency or the Veterans' Administration, and any delivery of soap, direct or indirect, to any person specified in (c) (2) (i), (c) (2) (iii), (c) (4), or (c) (5) hereof, shall not result in an exemption from the quota restrictions under (b) (1) hereof, unless a certificate in the following form is obtained by the person claiming such exemption:

END USE CERTIFICATE

The undersigned hereby certifies to the United States Department of Agriculture and to _____ that

(Name and address of supplier)
he is familiar with the terms of War Food Order No. 42b, that he has purchased or contracted to purchase _____ pounds of

soap from _____ (Quantity)
(Seller) to be delivered on or about _____, which

(Date)
will be used as follows:
By an agency or person exempt under paragraph (c) (2) for _____ (Use)

For _____ a quota exempt (Use)
use under paragraph (c) (3), (c) (4).
For converting pursuant to a permitted use under paragraph (c) (1).

Converting soap within his quota under paragraph (b) pursuant to a base period use established with the United States Department of Agriculture.

(Purchaser)
By _____ (Authorized Official)
(Date)

ENDORSEMENT OF MANUFACTURER

This is to certify that _____ pounds of fats and oils were used in the manufacture of the soap listed in the above certificate.

(Manufacturer)
(Date)

(Certification must be made in duplicate. Copy to be retained by the buyer and original given to the person making delivery.)

(2) If person making delivery is not the manufacturer of the soap he shall promptly forward the certificate to the manufacturer. Upon receipt of the certificate, the manufacturer named therein shall endorse upon the certificate the amount of fats and oils used in the manufacture of the soap covered by the certificate.

(3) A copy of all certificates executed under paragraph (d) (1) hereof shall be retained by the person claiming exemption. All statements contained in such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(e) *Establishment of base period usage.*
(1) No manufacturer may use fats and oils under (b) (1) hereof unless and until he has filed, on Form FDO 42-1,

a report of his use of fats and oils in each class of soap for each calendar quarter of the base period.

(2) Fats and oils used by a manufacturer during the base period for any purpose set forth in paragraphs (c) (2), (c) (4) or (c) (5) hereof, or in the manufacture of soap for export to a foreign country shall be excluded in determining his quota under paragraph (b) (1) of this order.

(f) *Acquisition of facilities.* Any person who acquires all the soap making facilities of another person shall become entitled to the quotas of such person, whether or not he continues to operate such facilities in whole or in part: *Provided*, That he shall, within 30 days following such acquisition, inform the Administrator of the facilities acquired, their location, whether or not operations will be continued in the same or another location, and the amount of quota which he claims to have acquired for each class of soap.

(g) *Toll agreements.* Fats and oils owned by one person and processed by another shall be charged against the quota of the owner and not the processor: *Provided, however*, That the title to any soap so manufactured shall remain in the owner of the fats and oils and such owner shall market such soap and shall invoice and collect therefor through his own organization, and the processor shall not buy directly or indirectly any soap so produced. Otherwise, fats and oils so processed shall be chargeable against the quota of the processor.

(h) *Computation of quotas; diversion.* Any manufacturer may divert a quantity of fats and oils, from the average quarterly amount of fats and oils used by him in the base period in the manufacture of a particular class of soap, to the average quarterly amount of fats and oils used by him in the base period in the manufacture of another class of soap: *Provided*, That the total amount so diverted shall not exceed 250,000 pounds during any calendar quarter under this order: *And, provided further*, That his total permitted use for all classes of soap in any calendar quarter shall not, after such diversion, exceed (but may be less than) his total permitted use of fats and oils in the manufacture of all soap as computed prior to such diversion.

(i) *Exemption for washed, recovered linseed oil.* In computing the amount of fats and oils used under (b) (1), (b) (2), or (c) (1) hereof, a manufacturer need count only 50 percent of the actual amount of washed, recovered linseed oil so used.

(j) *Purchases from exempt agencies.* The fat and oil content of any soap which is purchased by a manufacturer from War Assets Administration or any exempt agency, other than approved ship supplier, shall not be chargeable against his quota if the product so purchased is used by him in reworking into any class of soap.

(k) *Exemption for lard and rendered pork fat.* Any manufacturer who, during the period from May 15 to June 30, 1944, both inclusive, and the period from July 17 to July 31, 1944, both inclusive, purchased and accepted delivery of lard

or rendered pork fat, may use such lard or rendered pork fat without charge against quota in the manufacture of soap.

(l) *Extension of soap.* No manufacturer shall produce package soap (originally packed in unit packages containing less than 25 pounds net) in the form of chips, flakes, powder, granules, or similar forms with an anhydrous soap content of from 50 to 85 percent, both inclusive, unless by the addition of rosin or builders, the anhydrous soap content derived from fats and oils is reduced to a point not in excess of 90 percent of the anhydrous soap content of such product as manufactured during the 30 day period ending July 17, 1942: *Provided, however,* That this paragraph (l) shall not apply to synthetic detergents.

(m) *Limitation on soap inventories.*

(1) Except as provided in paragraph (m) (4) hereof, no person shall accept delivery of soap for a specific use in his business operations in any amount which will cause his inventory of soap for such use to exceed the largest of the following quantities: (i) a 45-day supply based upon current rate of consumption; (ii) two cases of packaged soap; (iii) two bulk packages.

(2) Except as provided in paragraph (m) (4) hereof, no person shall deliver or accept delivery of soap in quantities of one or more cases or bulk packages unless the person accepting delivery executes and furnishes to his supplier a certificate in the following form:

SOAP INVENTORY CERTIFICATE

The undersigned hereby certifies to the United States Department of Agriculture and to _____ that he is

(Name and address of supplier)
familiar with the terms of War Food Order No. 42b, that this certificate is furnished in order to enable the undersigned to acquire _____ soap for a specific use in his

(Quantity)
business operations, to be delivered on or about _____ and that the

(Date of delivery)
receipt by him of such soap will not cause his inventory of soap for such specific use to exceed (check applicable provision, whichever is largest)

- ☐ a 45-day supply based upon current rate of consumption.
☐ two cases of packaged soap.
☐ two bulk packages.

(Purchaser)

By _____
(Authorized official)

(Date)

(3) All certificates executed under (m) (2) hereof shall be retained by the supplier for examination by the Administrator upon request. All statements contained in such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(4) The provisions of paragraphs (m) (1) and (m) (2) hereof shall not apply to soap delivered to:

- (i) An exempt agency, or to any Federal, State, county, or municipal agency;
(ii) Any non-profit medical, educational, charitable, or religious institu-

tion, or any other non-profit organization;

(iii) Any person for resale in the same form, or after the addition of color or perfume or solution in water.

(n) *Records and reports.* (1) Every manufacturer, except a soap converter, who uses more than 15,000 pounds of fats and oils in any calendar quarter shall properly fill out and mail to the Bureau of the Census, Washington 25, D. C., Bureau of Census Form M 17 D for each calendar month, on or before the 15th day of the month immediately following, and Bureau of the Census Form M 17 G for each calendar quarter, on or before the 15th day of the second month following such calendar quarter. Nothing contained herein shall be construed as requiring any person to file more than one form M 17 D in any month, or more than one form M 17 G in any calendar quarter, except that a separate report shall be filed for each plant in which such person uses fats and oils.

(2) Beginning with the third calendar quarter of 1944, every manufacturer subject to (b) (1) hereof shall file, on Form FDO 42-5, a quarterly report of his use of fats and oils in soap. Such report shall be filed on or before the 20th day of the month succeeding such calendar quarter.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Administrator may designate), maintain an accurate record of his production of and transactions in fats and oils.

(o) *Existing contracts.* The restrictions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(p) *Audits and inspections.* The Administrator shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of fats and oils of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(q) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Administrator. After said review, the Administrator may take such action as he deems appropriate, which action shall be final.

(r) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using fats and oils. Any person who wilfully violates any provision of this order is guilty of a

crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(s) *Effect of other orders.* So far as any other war food order heretofore or hereafter issued limits or curtails to a greater extent than herein provided, the use, acquisition, or disposition of any fat or oil, the limitations of such other order shall control.

(t) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall unless herein otherwise provided, be addressed to the Order Administrator, War Food Order No. 42, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(u) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Administrator. The Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(v) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(w) *Effective date.* This amendment shall become effective at 12:01 a. m., e. s. t., July 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 42b, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392)

Issued this 3d day of July 1946.

CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 46-11833; Filed, July 8, 1946;
11:17 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC 33 (a)]

PART 16—ALIMENTARY PASTES

DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of fixing and establishing a definition and standard of identity for each of the following foods: enriched macaroni, enriched spaghetti, enriched vermicelli, enriched noodles; and of the amendment of the definitions and standards of identity for macaroni, spaghetti, vermicelli, macaroni products,

noodles, egg noodles, noodle products, egg macaroni, and related foods, named in Alimentary Pastes Order (9 F.R. 14881), to permit use of vitamins, minerals, wheat germ, and dehydrated yeast, as optional ingredients.

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 401, 701, 52 Stat. 1046, 1055; 21 U.S.C. 341, 371); the Reorganization Act of 1939 (53 Stat. 561; 5 U.S.C. 133); and Reorganization Plans No. I (53 Stat. 1423, 4 F.R. 2727) and No. IV (54 Stat. 1234, 5 F.R. 2421); and upon the basis of evidence of record of the hearing duly held pursuant to the notice issued on December 27, 1944 (9 F.R. 15008), the following order is hereby promulgated:

Findings of fact. 1. The average per capita consumption of macaroni and noodle products in the United States is small, although these foods are widely distributed. However, persons of Italian antecedents consume such foods in much greater quantities than the national average. Macaroni and noodle products constitute a staple food for these persons.

2. Surveys showing the amounts and kinds of food purchased by families of different income levels indicate that the diets of many persons in the United States are deficient in one or more of these vitamins and minerals required as added ingredients in enriched flour and bread. Inadequate diets occur most frequently among families in the low income brackets. The consumption of enriched flour and enriched bread has not entirely overcome these deficiencies.

3. Persons of Italian antecedents frequently live in urban communities and many are in the lower income brackets. These persons constitute a significant population group in the United States.

4. Food surveys in certain urban communities containing large numbers of persons of Italian antecedents disclose that the diets of consumers in the lower income brackets are deficient in most of the vitamins and minerals added to enriched flour, that these consumers use much larger amounts of macaroni and noodle products than the national average, and their diet would be materially improved by the enrichment of macaroni and noodle products.

5. Persons of Italian antecedents consume large quantities of bread. The type of bread preferred by these persons is frequently unenriched.

6. There is a tendency for persons who eat macaroni and noodle products to consume correspondingly less of other cereal foods, which are inexpensive sources of energy, including bread.

7. Some macaroni and noodle products containing miscellaneous additions of vitamins and iron, or ingredients of high vitamin and mineral content, have been manufactured and sold. Such additions have led to representations designed to promote the sale of these products which have resulted in the confusion of many consumers as to the benefits which they could expect to receive from these products.

8. In preparing macaroni and noodle products for consumption they are gen-

erally boiled in excessive quantities of water and the remaining water discarded. This causes a loss to the consumer of a large proportion of the water-soluble constituents, particularly the water-soluble vitamins and minerals.

9. In preparing enriched macaroni products for consumption the losses of water-soluble vitamins and minerals vary, depending on time of cooking, amount of water used, whether blanched, etc., but reasonable estimates of such losses are as follows:

Thiamine	50 percent.
Riboflavin	30 percent.
Niacin	40 percent.
Iron (metallic)	Very small or none.
Vitamin D	Very small or none.
Calcium	Very small or none.

10. The record contains no specific evidence of losses of vitamins and minerals in the cooking of enriched noodle products. However, since noodle products are similar in composition to macaroni products, and are cooked in the same manner, there is adequate basis for concluding that the cooking losses are approximately the same.

11. In order to prevent consumer confusion and probable deception, macaroni products or noodle products known as "enriched" should have the same required and optional enriching ingredients as enriched flour. The minimum amounts of such ingredients in enriched macaroni products and in enriched noodle products should be adequate to compensate for cooking losses and reasonable maximum limits should be prescribed to maintain the identity of these foods. Maximum limits 25% higher than minimum requirements are reasonable for the purpose of maintaining identity.

12. The uniform distribution in macaroni and noodle products of the ingredients used to enrich flour presents no manufacturing difficulties, when harmless carriers are used to achieve such distribution. Little loss of the enriching ingredients occurs in the manufacturing of enriched macaroni and noodle products.

13. The approximate cost of vitamins and minerals which must be added in the preparation of enriched macaroni and enriched noodle products to compensate for reasonable cooking losses is 5.4 cents per 100 lbs. based on the wholesale prices of these substances at the time of hearing. Ample supplies of the necessary vitamins and minerals are available.

14. Partially defatted wheat germs is a suitable ingredient for enriching macaroni products and noodle products within the limits prescribed therefor in the definition and standard of identity for enriched flour.

15. The record contains no evidence of protein deficiency in the diet of persons in the United States, and no evidence showing any need for a special macaroni product or special noodle product containing additional protein derived from wheat germ or yeast. Dried yeast, due to its high content of the vitamins thiamine and niacin, is suitable for use as an ingredient for supplying all or part of the required amounts of such vitamins in enriched macaroni products and enriched noodle products.

16. The record contains insufficient evidence to warrant the promulgation of regulations establishing definitions and standards of identity providing for the enrichment of milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, vegetable macaroni products, wheat and soy noodle products and vegetable noodle products.

Based on the foregoing findings of fact it is concluded that:

(a) To amend the definitions and standards of identity for macaroni products, milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, vegetable macaroni products, noodle products, wheat and soy noodle products, and vegetable noodle products, so as to permit the use of vitamins, minerals, wheat germ and dehydrated yeast as optional ingredients in each of these foods, will not promote honesty and fair dealing in the interest of consumers.

(b) To establish definitions and standards of identity for enriched macaroni products and enriched noodle products will promote honesty and fair dealing in the interest of consumers.

Therefore, it is ordered, That the definitions and standards of identity for macaroni products, milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, vegetable macaroni products, noodle products, wheat and soy noodle products, and vegetable noodle products, be not amended to provide for vitamins, minerals, wheat germ, and dehydrated yeast as optional ingredients in such foods.

It is further ordered, That the following regulations fixing and establishing definitions and standards of identity for enriched macaroni products and enriched noodle products be and are hereby promulgated:

§ 16.9 *Enriched macaroni products; identity; label statement of optional ingredients.* (a) Enriched macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f), except that:

(1) Each such food contains in each pound not less than 4 mgs and not more than 5 mgs of thiamine, not less than 1.7 mgs and not more than 2.2 mgs of riboflavin, not less than 27 mgs and not more than 34 mgs of niacin or niacin amide, and not less than 13 mgs and not more than 16.5 mgs of iron (Fe):

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P. units and not more than 1000 U. S. P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mgs and not more than 625 mgs of calcium (Ca):

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed 5% of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2), and (3).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched macaroni product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched macaroni product.

(b) Enriched macaroni is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Enriched spaghetti is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Enriched vermicelli is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched Macaroni Product," or alternately the name is "Enriched Macaroni," "Enriched Spaghetti," or "Enriched Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), or (d) respectively of this section.

§ 16.10 *Enriched noodle products; identity; label statement of optional ingredients.* (a) Enriched noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that:

(1) Each such food contains in each pound not less than 4 mgs and not more than 5 mgs of thiamine, not less than 1.7 mgs and not more than 2.2 mgs of riboflavin, not less than 27 mgs and not more than 34 mgs of niacin or niacin amide, and not less than 13 mgs and not more than 16.5 mgs of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P. units and not more than 1000 U. S. P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mgs and not more than 625 mgs of calcium (Ca);

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed 5% of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3), through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2), and (3).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched noodle product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched noodle product.

(b) Enriched noodles, enriched egg noodles, are the enriched noodle products the units of which conform to the specifications of shape and size prescribed for noodles in § 16.6 (b).

(c) Enriched egg macaroni is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni in § 16.6 (c).

(d) Enriched egg spaghetti is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti in § 16.6 (d).

(e) Enriched egg vermicelli is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli in § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched Noodle Product" or "Enriched Egg Noodle Product"; or alternately, the name is "Enriched Noodles", or "Enriched Egg Noodles", "Enriched Egg Macaroni", "Enriched Egg Spaghetti", or "Enriched Egg Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), (d), or (e) respectively of this section.

Effective date. The regulation hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

Dated: July 3, 1946.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 46-11847; Filed, July 8, 1946;
11:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong.; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 7, as Amended July 8, 1946]

DISPOSAL OF CERTAIN SURPLUS BUILDING MATERIALS FOR THE VETERANS' EMERGENCY HOUSING AND THE VETERANS' ADMINISTRATION CONSTRUCTION PROGRAMS

Direction 7 to Priorities Regulation 13 is hereby amended to read as follows:

(a) *What this direction does.* There is urgent need for building materials for the Veterans' Emergency Housing Program and the Veterans' Administration Construction Program, and these materials are not now available in sufficient quantities from new production. The purpose of this direction is to give persons buying for use of resale for use for these programs first opportunity to acquire certain building materials held by War Assets Administration as surplus property. It permits sales by WAA during an initial offering period to be determined by WAA only to buyers described in paragraph (c) (1). Thereafter sales may be made to other buyers in accordance with the Surplus Property Act and applicable regulations of WAA.

Although this direction restricts sales during the initial offering period to persons who will use or dispose of the material for the purposes specified, it does not prohibit the WAA from making sales to the persons and for the purposes specified upon such other terms and in such quantities as the WAA may determine; and preference ratings have no effect upon any sales which may be made by the WAA either by way of obliging it to sell or by way of determining as among the several buyers permitted by this direction who shall get the material from the WAA.

(b) *Materials covered by this direction.* This direction only applies to the building materials listed in Table A at the end of this direction. It applies whether the listed materials are new or used.

(c) *Restriction on sales by WAA.* Unless otherwise directed by the Civilian Production Administration, the WAA may not sell any new or used building materials covered by this direction except to purchasers described below:

(1) During the initial offering period to be determined by WAA with respect to any lot of these materials, WAA may only sell:

(i) To Veterans' Administration for use only in the Veterans' Administration Construction Program.

(ii) To persons purchasing the materials for use who give a certificate in writing with their purchase orders in substantially the following form:

The undersigned certifies to the seller and the Civilian Production Administration, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the materials covered by this purchase order are required for and will be incorporated in a housing project to which priorities assistance has been assigned under the Veterans' Emergency Housing Program (Priorities Regulation 33), or in a project to which an MM rating has been assigned under the Veterans' Administration Construction Program.

(iii) To persons purchasing the materials for resale who give a certificate in writing with their purchase orders in substantially the following form:

The undersigned certifies to the seller and the Civilian Production Administration, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that the materials covered by this purchase order will be offered for sale promptly, and that during the period ending 60 days after they are first offered for sale, the materials will be dis-

posed of only to persons who give a certificate in writing with their purchase order in substantially the form described in paragraph (c) (1) (ii) of Direction 7 to Priorities Regulation 13.

(iv) To Reconstruction Finance Corporation buying under Section 18 (e) of the Surplus Property Act for resale to persons who give it in writing the certification described in paragraph (c) (1) (ii).

The standard certification in Priorities Regulation 7 may not be used instead of the certifications described above. As among the eligible buyers described in paragraphs (c) (1) (i), (c) (1) (ii), (c) (1) (iii), and (c) (1) (iv), WAA shall give preference to orders from Veterans' Administration over other buyers.

(2) After the initial period described in paragraph (c) (1) has expired, WAA may dispose of the unsold balance of any lot to other buyers in accordance with the Surplus Property Act and applicable regulations of WAA.

(d) *Obligations of persons giving certificate.* Any person giving one of the certifications described above may obtain and use or dispose of the materials he gets with the certificate only in accordance with its terms.

(e) *Effect of urgency certificates on sales by WAA.* The restrictions of paragraph (c) do not apply to sales of materials or equipment by WAA to holders of urgency certificates issued under Direction 16 to Priorities Regulation 13. However, urgency certificates will only be issued under the conditions described in Direction 16.

Issued this 8th day of July 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

(New and used building materials covered by this direction.)

Bathrooms
Building board (except hardboard)
Cast iron low pressure boilers for residential heating use
Cast iron pressure pipe and fittings
Cast iron soil pipe and fittings
Clay sewer pipe
Common and face brick
Concrete blocks
Concrete reinforcing bars and mesh
Floor furnaces
Furnace pipe, fittings, and duct work
Gypsum board
Gypsum lath
Hardwood flooring
Insulation board, structural
Laminated fibre board
Lavatories
Lumber
Millwork (including doors and built in kitchen cabinets)
Nails, all types and sizes (except 3d to 6d, cement and bright, box and common)
Prefabricated panels
Prefabricated sections
Radiation (cast iron tubular, cast iron convector, extended surface convector)
Screwed pipe fittings in the following classes:
(a) Gray cast recessed drainage, 2" and under
(b) Gray cast steam fittings, 3" and under (125 lbs., S. W. P.)
(c) Malleable fittings, including unions, 2" and under (150 lbs., S. W. P.)
Sinks
Softwood plywood
Steel registers and grills
Structural clay tile
Warm air furnaces
Water closets

[F. R. Doc. 46-11838; Filed, July 8, 1946; 11:37 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Schedule A, as Amended July 8, 1946]

§ 944.54 *Schedule A to Priorities Regulation 33.* The priorities assistance assigned to builders under Priorities Regulation 33 may be used only to get the following materials (additions to and deletions from this schedule may be made from time to time):

	<i>Direction to Priorities Regulation 33 applying to the material</i>
Hardwood flooring.....	Direction 1
Millwork (including doors and built-in kitchen cabinets)....	Direction 1
Lumber.....	Direction 1
Softwood plywood (limited by Direction 1A as to uses and quantities).....	Direction 1A
Plumbing fixtures (limited to the following, as listed and defined in Direction 2; bathtubs, lavatories, kitchen sinks, water closets).....	Direction 2
Radiation (cast iron tubular, cast iron convector, extended surface convector).....	Direction 3
Cast iron soil pipe and fittings....	Direction 4
Gypsum board.....	Direction 5
Gypsum lath.....	Direction 5
Structural clay tile.....	Direction 6
Common and face brick.....	Direction 6
Concrete blocks.....	Direction 7
Prefabricated houses.....	Direction 8
Prefabricated sections.....	Direction 8
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Definitions of the above items may be given in the appropriate directions.

Issued this 8th day of July 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-11840; Filed, July 8, 1946; 11:37 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Direction 2, as Amended July 8, 1946]

USE OF HH RATINGS FOR PLUMBING FIXTURES IN THE VETERANS' EMERGENCY HOUSING PROGRAM

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of building materials and building supplies for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

(a) *Purpose of this direction.* Priorities Regulation 33 provides for the assignment to builders of preference ratings to secure materials, listed on Schedule A of that regulation, which are required for use in the Veterans' Emergency Housing Program. Among these

items are plumbing fixtures. This direction explains under what circumstances orders bearing HH ratings for plumbing fixtures must be accepted and also what the restrictions are in connection with the sale of plumbing fixtures by producers, distributors and jobbers.

(b) *Definitions.* For the purposes of this direction:

(1) "Producer" means a person owning or operating facilities in which plumbing fixtures are manufactured.

(2) "Distributor or jobber" means a person who buys plumbing fixtures from a producer for resale. If a producer owns and operates factory branch sales offices other than his central factory sales office, such offices shall be considered to be distributors.

(3) "Plumbing fixtures" means, unless otherwise specified, plumbing fixtures of the following types, in residential-design models only: bathtubs, lavatories, kitchen sinks (including sink-and-tray combinations), and water closets (1-piece combinations, bowls, tanks).

(c) *Prohibition on extension of HH ratings by distributors.* A distributor or jobber who receives an HH rated order for plumbing fixtures shall not extend the rating.

(d) *Use of HH rating by plumbing contractor and dealer.* A plumbing contractor, plumbing dealer or other person who has been authorized to use an HH rating in accordance with paragraph (d) of Priorities Regulation 33, may use the rating to get plumbing fixtures, subject to the provisions of that regulation.

(e) *Handling of HH rated orders by producers.* A producer who sells plumbing fixtures only to distributors, jobbers or manufacturers of pre-fabricated housing need not accept an HH rated order for plumbing fixtures. This is the general rule. But a producer who sells any portion of his production to persons other than distributors, jobbers or manufacturers of pre-fabricated housing must sell that portion according to the following rule: Commencing July 1, 1946, at least 60% of the quantity of each type of plumbing fixture sold or delivered by the producer, during any month, to persons other than distributors, jobbers or manufacturers of pre-fabricated housing must be sold or delivered on HH rated orders.

(f) *Set-asides by jobbers or distributors.*

(1) An adequate reserve stock of plumbing fixtures must be maintained by distributors and jobbers to fill orders bearing HH ratings. Consequently, a distributor or jobber must set aside and reserve for a period of twenty-one days, to fill orders bearing HH ratings, not less than 60% of each type of plumbing fixture in each shipment received by him from the producer. Direct shipments from a producer to a customer of a distributor or jobber for the account of the latter shall be considered as shipments to, and deliveries by, the distributor or jobber. Until the end of each such twenty-one day period, referred to above, a distributor or jobber must accept all HH rated orders up to the reserved quantity regardless of whether such orders call for delivery within the twenty-one day period, but he need not accept HH rated orders for plumbing fixtures in excess of the reserved quantity.

(2) Any plumbing fixtures which the distributor or jobber is not required to set aside, and any plumbing fixtures in the set-aside

for which HH ratings are not received in the set-aside period, may be disposed of without regard to HH ratings. Orders rated AAA, MM or CC must be filled from this balance in that order of preference in accordance with Priorities Regulation 1. A distributor or jobber may not refuse to accept an HH rated order on the ground that he has no plumbing fixtures in stock, but he must accept the order for delivery out of the 60% set-aside of a later shipment from the producer.

(g) *Calculation basis.* Quantities of plumbing fixtures shall be figured in numbers of units, with separate computation for each general type of plumbing fixture (i. e., bathtubs, lavatories, kitchen sinks (all kinds), water closets (all kinds)).

NOTE: Paragraph (h), formerly (g), redesignated July 8, 1946.

(h) *This direction not applicable to AAA ratings.* Nothing in this direction affects AAA rated orders.

Issued this 8th day of July 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-11839; Filed, July 8, 1946;
11:37 a. m.]

PART 1001—TIN

[Conservation Order M-43, as Amended
July 5, 1946]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

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§ 1001.1 Conservation Order M-43—

(a) *What this order does.* This order prohibits deliveries of pig tin except under certain conditions and provides for allocation of pig tin by the Civilian Production Administration. It also restricts the use of pig tin, secondary tin, certain tin-bearing products and tinplate in manufacture. The order also prohibits sales and deliveries of jewelry and certain other articles containing tin. It also limits inventories of tin. Certain other orders of the Civilian Production Administration also restrict the manufacture and use of articles containing tin. The provisions of these other orders must also be followed.

Deliveries of Pig Tin

(b) *Restriction on deliveries of pig tin.* No person shall deliver or accept delivery of pig tin without a specific allocation in writing by the Civilian Production Administration or the War Production Board, except under the conditions set forth in paragraphs (b) (1) and (b) (2) below. "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, powder, small bars and ingots) produced from ores, residues or scrap.

(1) Pig tin may be delivered without specific allocation to the Office of Metals Reserve, Reconstruction Finance Corporation, or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended or to any agent of such a corporation.

(2) Pig tin may be delivered without specific allocation by a distributor in lots not larger than 2,000 pounds each to any person who does not receive from all sources more than 6,000 pounds of pig tin in the calendar month the distributor makes the delivery and who gives to the distributor at the time he places his purchase order, a certificate in substantially the form below, signed manually or as provided in Priorities Regulation 7 by an official duly authorized for that purpose:

I certify, subject to the penalties of Section 35 (A) of the United States Criminal Code, that I will use this pig tin for _____ (specify end use) in accordance with Order M-43 or will resell it only in accordance with that order. I will not receive more than 6,000 pounds of pig tin from all sources in _____ (specify month of delivery) including the amount covered by this order.

(Name of purchaser)

By _____
(Duly authorized official)

If the pig tin, or any portion of it, to be delivered under this subparagraph is to be exported outside the United States, its territories or possessions, or Canada, the purchaser (exporter) should state as the end use in the certificate the words "for export" and give the number of the export license.

(c) *Allocations of pig tin.* The Civilian Production Administration will allocate the supply of pig tin, including all pig tin released by the Reconstruction Finance Corporation, and will issue specific directions as to the source, destination and amount of pig tin to be delivered or acquired. Applications for allocations of pig tin should be made to the Civilian Production Administration not later than the 20th day of the month before the month in which delivery is requested, and should be made on Form CPA-412. Except in unusual circumstances, the Civilian Production Administration will not allocate to a person for a calendar quarter an amount greater than the quantity he is permitted to melt or put in process during that quarter plus the quantity which he sold during the corresponding quarter of 1944 for small order sales under M-43. No larger quantity than this may be requested on the CPA-412 report. If pig tin is requested for export outside the United States, its territories or possessions or Canada, the quantity to be exported must be separately stated on the CPA-412 report. Separate allocations for domestic and export requirements will be made. The Civilian Production Administration may specifically direct the purposes and end products for which a person may convert, process or fabricate pig tin allocated to him.

(d) *Reports on use, disposition and inventories of pig tin.* (1) On or before the 10th of each calendar month, each distributor of pig tin must report to the Civilian Production Administration on Form CPA-412 or by letter in triplicate all of his transactions in pig tin during the previous month.

(2) Any person who, on the first day of a calendar month, has in his possession or under his control 2,000 pounds or more of pig tin must report to the Civilian Production Administration on Form CPA-412 by the 20th of that month.

(3) Any person who uses 1,000 pounds or more of pig tin in any calendar month must report to the Civilian Production Administration on Form CPA-412 on or before the 20th of the following month.

(4) The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Use of Tin in Manufacture

(e) *General restrictions on the use of pig tin, secondary tin, tin plate,terne plate, solder, babbitt and other tin-bearing alloys.* No person may use any pig tin, secondary tin, tin plate,terne plate, solder, babbitt, copper base alloys or other alloys containing 1.5% or more tin, or any britannia metal, pewter metal or other similar tin-bearing alloys to make or treat any item or product, or in any process, not set forth in one of the schedules attached to this order. In making or treating these items, or performing these processes, pig tin may not be used where the schedule permits secondary tin only, and the tin content of

an item may not exceed the amount indicated in the schedule.

"Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, powder, small bars, and ingots) produced from ores, residues or scrap. "Secondary tin" means any alloy which contains less than 98% but not less than 1.5% by weight of the element tin.

(f) *Quota restrictions on the use of tin manufacture.* (1) No person other than a manufacturer of fluid milk shipping containers shall use more pig tin during any calendar quarter in his manufacturing or processing operations than 110% of the amount he legally used during the second quarter of 1946. No manufacturer of fluid milk shipping containers shall use more pig tin to coat such containers during any calendar quarter than 25% of the average yearly quantity he used for the same purpose during the years July 1, 1938 to June 30, 1941. A manufacturer of fluid milk shipping containers may not use in any calendar quarter more pig tin for any purpose other than coating fluid milk shipping containers than 110% of the amount of pig tin he legally used for such other purposes during the second quarter of 1946.

(2) No person shall use more tin-bearing scrap, drosses, tin-bearing residues resulting from operations, or reclaimed metals, containing less than 98% but more than 1.5% tin, in any calendar quarter, in his manufacturing or processing operations, than the amount he legally used during the corresponding quarter of 1944.

(3) Any person who did not use pig tin or tin-bearing scrap, drosses, tin-bearing residues resulting from operations, or reclaimed metals, containing less than 98% but more than 1.5% tin, in his manufacturing or processing operations during the period indicated in paragraphs (f) (1) or (f) (2) as the base period (including persons who were not in business at that time) may nevertheless apply for a quota, and his application will be considered on an equitable basis. Until July 15, 1946 the restrictions of paragraphs (f) (1) and (f) (2) do not apply to such persons, but they may not use pig tin or tin-bearing scrap, drosses, tin-bearing residues resulting from operations, or reclaimed metals, containing less than 98% but more than 1.5% tin after July 15, 1946 unless they have been specifically authorized in writing to do so by the Civilian Production Administration.

(g) *Special restrictions on the use of metals to which pig tin has been added.* No person may use metal to which pig tin has been added to produce any product or perform any process for which pig tin is not permitted by one of the schedules attached to this order.

(h) *Additional restrictions on the use of tin in making certain articles.* In addition to the restrictions in paragraphs (e) through (g), no person may use tin of any kind to make the articles listed below. This prohibition applies to any part of any of these articles, and applies to the use of pig tin, secondary tin, solder, tin plate,terne plate, tin plate or terne plate scrap or waste, and any other form of tin or alloy containing 1.5% or more of tin by weight.

1. Advertising specialties.
2. Art objects.
3. [Deleted Apr. 9, 1946]
4. [Deleted July 5, 1946.]
5. Buckles.
6. Buttons.
7. Chimes and bells.
8. Emblems and insignia.
9. [Deleted July 5, 1946.]
10. [Deleted Apr. 9, 1946]
11. Jewelry.
12. Novelties, souvenirs and trophies.
13. Ornaments and ornamental fittings.
14. Refrigerator trays and shelves.
15. Seals and labels.
16. Slot and game machines.
17. Toys and games.
18. Tablets, markers and memorials.
19. [Deleted Apr. 9, 1946]
20. [Deleted Apr. 9, 1946]
21. [Deleted Apr. 9, 1946]

Implements of War

(i) *Exemptions for implements of war.* (1) The restrictions of paragraphs (e) and (g) and of the schedules do not apply to the manufacture of "Implements of war" produced for the Army or Navy of the United States, the U. S. Maritime Commission or the War Shipping Administration where the use of tin contrary to these restrictions is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the "Implements of war" are being produced. Tin used in implements of war must be charged against any applicable quotas.

(2) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above.

Use and Sale of Articles Containing Tin

(j) *General restrictions on the use and sale of tin-bearing products.* (1) In some cases the schedules attached to this order permit the use of pig tin or secondary tin in making a product only if the product is to be used for a particular purpose. No person shall use any of these products for any purpose other than the purpose permitted by the schedule.

(2) No person giving a certificate under this order or its schedules may receive, use or dispose of the materials obtained with the certificate contrary to its terms. The standard certificate described in Priorities Regulation 7 may not be used in place of any of the certificates described in this order or its schedules.

(3) Notwithstanding the authorization by the War Production Board or the

Civilian Production Administration of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or subassemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order. A supplier may rely upon the written statement of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe the statement is false, and such a statement shall constitute, on the part of the person making it, a representation to the Civilian Production Administration within the meaning of section 35 (A) of the United States Criminal Code, 18 U. S. C. sec. 80.

(k) *Special restrictions on purchases and sales of certain articles containing tin.* No person, for the purpose of resale, shall receive from a manufacturer any new article of the kinds listed below, if the article contains tin plate or tin in any other form except solder used for joining purposes. No person shall sell or deliver any new article of the kinds listed below, if the article contains tin plate or tin in any other form except solder used for joining purposes, unless he has an authorization in writing from the Civilian Production Administration or the War Production Board for the sale or delivery. A person who wishes to get such an authorization should apply to the Civilian Production Administration by letter in triplicate, giving a report of his inventory of all of the items listed below containing tin plate or tin in any other form except solder used for joining purposes, showing the quantity of each such item in his possession on March 1, 1945, the names and addresses of the sellers from whom he bought the items, and the dates the purchases were made. Authorizations will ordinarily be given, except where it appears that the purchases were in violation of Order M-43. "New article" means one which has not been used by an ultimate consumer. A purchaser for resale of articles of the kinds listed below may rely on a written certification by his supplier that they contain no tin plate or any other tin except solder used for joining purposes, unless he knows or has reason to believe the statement is false.

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal or other similar tin-bearing alloy.
4. Buckles.
5. Buttons.
6. Emblems and insignia.
7. Jewelry.
8. Novelties, souvenirs and trophies.
9. Ornaments and ornamental fittings.
10. Toys and games.

Inventories

(1) *Limitation on inventories.* No person shall receive delivery of pig tin, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working in-

ventory, taking into consideration the limitations placed upon the production of tin products by this order. Forty-five days inventory of pig tin shall, for the purpose of this order, be deemed a practicable working inventory for any person except a manufacturer of tin plate as tin plate is defined in Schedule VI, as from time to time amended. Direction 2 to M-43 also contains restrictions on the inventories of solder, babbitt and other tin-bearing alloys.

Miscellaneous

(m) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal. Priorities Regulation 16 gives additional instructions about the filing of appeals. Appeals, reports and all communications concerning this order should be addressed to the Civilian Production Administration, Tin, Lead, and Zinc Branch, Washington 25, D. C., Reference: M-43.

(n) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 5th day of July 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Schedules of Permitted Uses

Under Order M-43 pig tin, secondary tin, tin plate,terne plate, solder, babbitt, copper base alloys and other alloys containing tin may be used only in the production of the items and for the purposes set forth in the following schedules, subject to the limitations, restrictions and conditions specified in these schedules with respect to the various items and purposes.

SCHEDULE I—MISCELLANEOUS

(1) *Detonators and blasting caps.* Pig or secondary tin may be used to make detonators and blasting caps (including electric blasting caps) including all their necessary parts and accessories.

(2) *Collapsible tubes.* (a) Pig or secondary tin may be used to make collapsible tubes for the following purposes, if the tin content by weight of the tube is no greater than the maximum specified below:

Product	Maximum permitted tin content (percent of tin by weight)
Ointments and other preparations for ophthalmic use, sulfa drugs in ointment or jelly form, diagnostic extracts (allergens), and morphine or hypodermic injection... Preparations intended for introduction into the body orifices for local application, and medicinal and pharmaceutical ointments (excluding unmedicated petroleum jelly and lanolin)	Unlimited
Dental cleansing preparations	3%

Secondary tin may be used to make lead collapsible tubes for any purpose if the tin content of the tube is not greater than 0.5% by weight.

(b) [Deleted July 5, 1946.]

(c) No person may purchase, accept delivery of, or use collapsible tubes containing tin for packing products except those permitted above.

(3) *Foil.* (a) Pig or secondary tin may be used to make foil for the following purposes if the tin content by weight of the foil is no greater than the maximum specified below:

Purpose	Maximum permitted tin content (percent of tin by weight)
(i) Electrotypers foil	16%
(ii) Dental foil	30%
(iii) Soft babbitt for the preparation of industrial metallic packing	1½%
(iv) Condenser foil of dimensions 0.00035 inch by ½ inch or less	50%
(v) Condenser foil for all other condensers	5%
(vi) Foil for aircraft magnetos	50%
(vii) Cap liner foil for packing biologicals, preparations containing chloroform, or other highly volatile chemicals for which other liners cannot be used	Unlimited
(b) [Deleted July 5, 1946.]	

(4) *Dairy equipment.* Pig or secondary tin may be used to coat fluid milk shipping containers or to manufacture or reline any other dairy equipment.

(5) *Equipment for preparing and handling food.* (a) Pig or secondary tin may be used to coat or to reline any parts of kitchen utensils, galley and mess equipment and other equipment used in processing and handling of food if the parts are designed to come into actual contact with food or to plate cutlery and flatware.

(6) *Wire coating.* Tin or tin alloys may be prepared and used for coating wire as follows:

(a) *For copper base wire.* There is no limitation upon the tin content of the coating alloy when the copper base wire to be coated is of a size of .0320" nominal diameter or finer. If the wire to be coated is of a size larger than .0320" nominal diameter, the tin content of the coating alloy is limited to 12% tin by weight.

(b) *For steel wire.* (i) To be used as armature binding wire.

(ii) To be used in the manufacture of equipment for the production of textiles.

(iii) To be used in the packaging or marking of meat where the wire comes into actual contact with the meat.

(iv) In the liquor finishing process of fine steel bright wire.

(c) [Deleted July 5, 1946.]

(7) *Lead base alloys for coating.* Lead base alloys containing tin for coating sheet, tubing, wire, foundry chaplets, etc., may be manufactured and used if the tin content of the alloy does not exceed 7% of tin by weight.

(8) *Printing plates and type metal.* Printing plates and type metal containing tin may be made for use by the printing, publishing and related service industries.

(9) *Dental amalgam alloys.* Tin may be used in the manufacture of dental amalgam alloys if the tin content of the alloy does not exceed 30% of tin by weight.

(10) *Pipe organs for religious and educational institutions.* Pipe organs for religious and educational institutions may be manufactured, rebuilt, or repaired with secondary tin taken from the inventories of organ builders or acquired from old organs.

(11) *Bolster metal.* Bolster metal may be made and used in the manufacture of sur-

gical instruments if the tin content of the bolster metal does not exceed 10% of tin by weight and if the tin is derived from secondary tin only.

(12) *Fusible alloys and dry pipe seat rings.*

Pig or secondary tin may be used in the manufacture of dry pipe valve seat rings to the extent required to meet performance specifications; and in the manufacture of fusible alloys for safety purposes only, to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.

(13) *Tin pipe and sheet.* (a) Pig or secondary tin may be used to make tin pipe, sheet tin, and fittings to repair or maintain beverage dispensing units and their parts, if the consumer for whom the pipe, sheet or fittings are made returns to the supplier a quantity of scrap tin having the same tin content as that of the new pipe, sheet or fittings delivered to him.

(b) Pig or secondary tin may be used to coat copper or brass pipe and fittings for beverage or distilled water dispensing purposes.

(c) [Deleted July 5, 1946.]

(14) *Chemicals.* Pig tin may be reprocessed for use as laboratory re-agents and may be used in the manufacture of tin chemicals for use as laboratory re-agents for medicinal purposes and for use in plating processes where plating is permitted.

(15) *Tin oxide.* Tin oxide may be produced from tin obtained from detinning used tin cans, or from sludges or secondary tin for use in the production of chrome green, pink, yellow, and red colors. No person may receive pig tin from any supplier and use it for the production of tin oxide.

SCHEDULE II—SOLDERS

(a) *Certificates.* No manufacturer or wholesale distributor shall sell or deliver any solder to a wholesale distributor or retailer and no wholesale distributor or retailer shall purchase or accept delivery of any solder unless the purchaser has given to the seller a statement that he will not resell the solder to a user without obtaining from the user the certificate called for below. No manufacturer, wholesale distributor or retailer shall sell or deliver any solder to a user and no user shall purchase or accept delivery of any solder from a manufacturer, wholesale distributor or retailer unless the user has given to the seller the certificate called for below.

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the Civilian Production Administration that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule II, section of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of this order.

(b) *Tin content.* In the manufacture of solder, the tin content by weight shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of solder (percent of tin by weight)
(1) For all cellular type radiators (average per radiator)	21%
(2) For all fin and tube type radiators for military and civilian use (average per radiator)	32%
(3) Soldering end seams on all solder seamed cans	26%

Purpose	Maximum tin content of solder (percent of tin by weight)
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes (from secondary tin only)-----	4%
(5) For soldering side seams in the manufacture of cans made with either lock or lap side seams or with a combination of lock and lap seams-----	5%
(6) For sealing milk cans-----	21%
(7) For all soldering on motors, generators, electrical equipment, instruments, meters, radio, radar, tanks, fire protection equipment, copper tube joints and water service pipes refrigeration equipment, dairy equipment, and food processing equipment-----	40%
(8) [Deleted Apr. 9, 1946.]-----	
(9) For soldering aluminum-----	60%
(10) For other hand soldering operations done either with a soldering iron or with a torch and wiping-----	35%
(11) For any other purpose (except items in paragraph (h))-----	30%
(c) [Deleted July 5, 1946.]-----	

SCHEDULE III—BABBITT

(a) No manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any wholesale distributor of babbitt and no wholesale distributor of babbitt shall accept delivery from a manufacturer or a wholesale distributor unless he shall have furnished the manufacturer or other wholesale distributor with a statement on his purchase order to the effect that he will not resell such babbitt containing more than 10% tin by weight to any user unless he has received the certificate from such user set forth below. No manufacturer of babbitt or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any user and no user shall accept delivery of any babbitt containing more than 10% tin by weight from any manufacturer of babbitt or wholesale distributor of babbitt unless the user shall have furnished the manufacturer or wholesale distributor with the certificate set forth below.

No manufacturer of finished bearings containing babbitt metal of more than 10% tin by weight shall deliver such bearings to any user and no user shall accept delivery of such bearings from the manufacturer unless the user shall have furnished the manufacturer with the certificate set forth below.

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code to the seller and to the Civilian Production Administration, that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule III, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of said Order M-43.

(b) *Tin content.* In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of babbitt (percent of tin by weight)
(1) For the manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads-----	Unlimited
(2) For the manufacture, repair, maintenance or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers or busses-----	90%

Purpose	Maximum tin content of solder (percent of tin by weight)
(3) For repair, maintenance or replacement in existing diesel engines, turbines, locomotive connecting rod or coupling rod bearings, irrigation water pumping engines and equipment, industrial engines, generators and motors, compressors, pumps, vessels or other shipping facilities, electric locomotives, electric traction motor bearings, stone crusher bearings, and saw mill, planing mill and paper mill machinery-----	90%
(4) For all other purposes (except items in paragraph (h))-----	10%
(c) [Deleted July 5, 1946.]-----	

SCHEDULE IV—BRASS AND BRONZE
A. CAST ALLOYS

(a) *Tin content.* No person shall cast or have any person cast for him any copper base alloy containing 1.5% or more tin by weight for other than the specific purposes listed below. The tin content of any such alloy shall not be more than the amount specified for each purpose.

Purpose	Maximum tin content (percent of tin by weight)
(1) For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, and collector rings-----	12%
(2) For the manufacture of piston rings for locomotives and for air-brake equipment-----	20%
(3) For use as bearings and bushings-----	9%
(4) For bearings produced by process of powder metallurgy-----	10%
(5) For all other castings, except for items listed in paragraph (h) and no pig tin may be used to produce them-----	6%
(6) For production of or use in items listed in paragraph (h), provided that the tin used shall not be derived from pig tin-----	less than 1.5%

(b) *Certificate.* Any person receiving copper base alloy castings containing 1.5% or more tin shall furnish his supplier with a certificate on his purchase order stating the end use of such castings. All suppliers shall require such a certificate. If the end use is not permitted by M-43, and the purchaser has not special authorization from the Civilian Production Administration or the War Production Board, the supplier shall refuse the order.

(c) [Deleted July 5, 1946.]

B. WROUGHT ALLOYS

(a) *Tin content.* No person shall purchase or use and no supplier shall sell copper base wrought alloys containing more than 2% tin by weight for any purpose other than those listed below. The tin content of any such alloy shall not be more than the amount specified for the particular purpose.

Purpose	Maximum tin content (percent of tin by weight)
1. Fourdrinier wire screen plates, Jordan and beater bars-----	8.0%
2. Manufacture of discs and diaphragms for industrial control instruments, bronze welding rods, and rifle nuts in air hammers-----	10.0%
3. For use as bearings, spectacle ware, and functional parts in all other items (except items in paragraph (h))-----	5.5%

Purpose	Maximum tin content of solder (percent of tin by weight)
4. All other (except items in paragraph (h))-----	2.0%

(b) *Melting scrap.* Except as specifically authorized in writing by the War Production Board or Civilian Production Administration, no person other than a brass mill shall melt or process (1) brass mill scrap containing in excess of 1.5% tin or (2) termination inventories of brass mill products containing in excess of 1.5% tin and which are being disposed of as scrap, nor shall any person dispose of either of such materials in any way other than by delivery to a brass mill.

(c) *Certificates.* Any person receiving wrought-copper base alloys containing more than 2% tin shall furnish his supplier with a certificate on his purchase order stating that he will use such alloy only as permitted by Conservation Order M-43, or that he will not dispose of said alloy without obtaining such a certificate from the person to whom he disposes of said alloy. All suppliers shall require such statements on all purchase orders.

(d) [Deleted July 5, 1946.]

SCHEDULE V WHICH FORMERLY COVERED USE OF TIN TO REPAIR GAS METERS HAS BEEN SUPERSEDED BY ITEM (B) (7) OF SCHEDULE II

SCHEDULE VI—TIN PLATE, TERNE PLATE, AND TERNE METAL

(a) *Definitions.*—(1) "Tin plate" means steel sheets coated with tin including electrolytic tin plate and hot dipped tin plate and including primes, seconds and waste-waste but not scrap.

(2) "Terne plate" means steel sheets coated with terne metal including short ternes (coated on tin mill coating machines) and long ternes (coated on sheet mill coating machines) including primes, seconds and long terne waste-waste but not scrap.

(3) "Tin plate or terne plate scrap" means any material or product made in whole or in part of tin plate or terne plate which is the waste of industrial fabrication or which has been discarded after being put into actual use, including tin plate crowns, screw caps or similar closures for various containers. The term also includes tin plate and terne plate sheets recovered from tin plate or terne plate cans or from other articles.

(4) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into usable condition by recoating.

(5) "Terne metal" means a tin-bearing lead alloy used as a coating for plate but does not include lead recovered from secondary sources which contains not more than 3% residual tin.

(6) "Waste-waste" means hot dipped or electrolytic tin coated sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(b) *Manufacture of tin plate and terne plate.* Tin plate and terne plate may be manufactured for the purposes set forth below. However, coating of tin or terne metal per single base box of tin plate or terne plate must not exceed the maximum indicated below for the particular permitted use. No person may use terne metal of over 15% tin in tin mill coating machines. No person may use terne metal of over 10% tin in sheet mill coating machines.

(c) *Manufacture of terne metal.* Pig or secondary tin may be used to make terne metal.

(d) Certificates. No person shall sell or deliver any tin plate orterne plate to any person unless he gives with his purchase order a certificate in substantially the following form:			plate orterne plate for (specify end use) in accordance with Order M-43 or that will resell it only in accordance with that order.		
(e) Tin plate andterne plate may be used only for the following purposes:			A person who has given one of the certificates described in Direction 9 to M-21 with his purchase order need not give the certificate described in this paragraph.		
Permitted use	Permitted material	Maximum permitted coating of tin or ofterne metal (per single base box)	Permitted use	Permitted material	Maximum permitted coating of tin or ofterne metal (per single base box)
1. Baking pans, domestic.	Electrolytic tin plate.	0.25 lb. per base box.	11. Dairy ware and equipment including dairy pans, milk strainer pans, hooded milking machines, milk canisters, and test cream bottles, high canners, cream separators, milk conveyors, ice cream freezers, milk receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Hot dipped tin plate.	3.20 lbs. per base box (2A charcoal).
2. Baking pans for institutions and commercial bakers.	Hot dipped tin plate.	1.25 lbs. per base box.	12. Diamond cutting wheels.	Electrolytic tin plate.	0.50 lb. per base box.
3. Brushes, power driven	Electrolytic tin plate.	0.50 lb. per base box.	13. Dusters and sprayers, hand, for disinfectant and pest control; parts requiring solderable coatings.	Reconditioned tin plate.	0.50 lb. per base box.
4. Cans.	Reconditioned tin plate.	1.30 lbs. per base box.	14. Equipment or appliance parts requiring solderable coatings.	Long ternes.	0.50 lb. per base box.
5. (a) Closures for all food products (excluding malt beverages and nonalcoholic beverages) if preserved in a hermetically sealed container made sterile by heat; and olives, pickles, relishes, sauces, vinegar, French dressing, flavoring extracts, spices, mustard, horseradish and cherries.	Long ternes.	4 lbs. per base box.	15. (a) Fuel tanks, except for automotive equipment.	Reconditioned ternes plate.	1.30 lbs. per base box.
(b) Closures for meat and fish and products made from them; ice cream mix; apple cider and juice; fruits (only crush, fountain fruit and ice cream toppings) soup mix, cheese spreads; spaghetti and macaroni products; corn beef hash and sauerkraut.	Reconditioned ternes plate.	1.30 lbs. per base box.	(b) Fuel tanks, for automotive equipment.	Electrolytic tin plate.	0.25 lb. per base box.
(c) Closures for biologicals; blood plasma; drug chemicals; dental supplies; glycerite; liniments of ammonia; magnesia; drug oils; ointments; penicillin; prescriptions; medicinal soaps; aromatic spirits of ammonia; ammonia products; aromatic chemicals; reagent chemicals; deodorants, liquid or paste (not for use on human body); dyes; germicides; hypochloride powders; bleaches; photographic supplies; and all other liquid chemicals.	Hot dipped tin plate.	1.30 lbs. per base box.	16. Gas mask canisters.	Short ternes.	1.30 lbs. per base box.
(d) Closures for home canning.	Electrolytic tin plate.	0.50 pound per base box.	17. Gas meters.	Reconditioned ternes plate.	1.30 lbs. per base box.
(e) Closures to be purchased by or for the account of the American Red Cross, Office of Scientific Research and Development or the Panama Canal, including the Panama Railroad Company or for shipment outside the forty-eight States of the United States and the District of Columbia. (General exceptions for certain other governmental agencies are included in item 30 below.)	As specified.	0.50 pound per base box.	18. Heat exchangers.	Hot dipped tin plate.	3.20 lbs. per base box (2A charcoal).
(f) Closures for steel drums.	Electrolytic tin plate.	1.25 lbs. per base box.	19. Integral parts of signal cells—but only for current collectors and baskets.	Reconditioned ternes plate.	0.50 lb. per base box.
6. Carbide non-explosive emergency lights.	Hot dipped tin plate.	0.50 lb. per base box.	20. Lining of drying chambers for milk and egg dehydration.	Electrolytic tin plate.	1.30 lbs. per base box.
7. Chaplets, skingates and tin forms for foundry use.	Short ternes.	1.30 lbs. per base box.	21. Maple syrup evaporators.	Reconditioned ternes plate.	1.30 lbs. per base box.
8. Cheese vats.	Long ternes.	4 lbs. per base box.	22. Oilers (excluding cans as defined by Order M-81).	Hot dipped tin plate.	1.30 lbs. per base box.
9. Component parts for Internal Combustion engines including air ducts, cooling systems, lubrication systems and fuel systems, but only where less essential material is impractical because of corrosion or solder-ability.	Reconditioned ternes plate.	1.25 lbs. per base box.	23. Oil lanterns.	Reconditioned ternes plate.	1.30 lbs. per base box.
10. Cylinder liners for hard and fruit presses.	Hot dipped tin plate.	1.25 lbs. per base box.	24. Repair parts for domestic laundry equipment.	Long ternes.	1.30 lbs. per base box.
			25. Safety cans for inflammable liquids.	Reconditioned ternes plate.	1.30 lbs. per base box.
			26. Textile spinning cylinders, card screws, spools and bobbins.	Electrolytic tin plate.	1.30 lbs. per base box.
			27. Torpedoes for oil and gas well shooting.	Reconditioned ternes plate.	1.30 lbs. per base box.
			28. Vaporizing liquid fire extinguishers.	Hot dipped tin plate.	1.30 lbs. per base box.
			29. Wick holders for oil stoves.	Reconditioned ternes plate.	1.30 lbs. per base box.
			30. Articles to be purchased by or for the account of the Army and Navy of the United States, the United States Maritime Commission, the War Shipping Administration and the Veterans' Administration.	Long ternes.	1.30 lbs. per base box.

(f) *Additional permitted uses.* Any person may use electrolytic tin plate waste, waste, hot dipped tin plate waste, waste, terne plate waste, tin plate scrap, or terne plate scrap for any purpose except to make items listed in paragraph (h) of M-43. In addition any person may use tin plate or terne plate for any purpose except to make items listed in paragraph (h) of M-43 if his total annual consumption of tin plate and terne plate does not exceed 100 base boxes.

(g) *Optional use of 0.25 tin plate for terne plate.* Where ternes or terne plate is permitted to be used for an item listed in paragraph

(e) above, a manufacturer may substitute electrolytic tin plate with a maximum permitted tin coating of 0.25 pounds per base box for that item.

[F. R. Doc. 46-11783; Filed, July 3, 1946; 5:12 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-946]

TANFORAN COMPANY LTD. AND EARL HEPLE

Tanforan Company, Ltd. a corporation with offices at 351 California Street, San Francisco, California owns and operates a horse-racing track known as "Tanforan" and consisting of a 120 acre plant located at San Bruno, California. Earl W. Heple of 494 Delmas Avenue, San Jose, California, is engaged in business as a building contractor. On March 27, 1946, they began and thereafter carried on construction on the race track consisting of the erection of new buildings and remodeling of existing buildings, all without authorization from the Civilian Production Administration. The estimated cost of these projects exceeded the limits permitted by Veterans Housing Program Order No. 1, and the beginning and carrying on of such construction without authorization constituted a wilful violation of that order. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.946 *Suspension Order No. S-946.* (a) Neither the Tanforan Company Ltd., Earl W. Heple, their successors or assigns, nor any other person shall do any construction on the 120 acre horse-racing track known as "Tanforan" and located at San Bruno, California, including putting up, completing or altering the structures located thereon, unless otherwise authorized in writing by the Civilian Production Administration.

(b) Nothing contained in this order shall be construed to prohibit Tanforan Company Ltd. from filing any appeal for the completion of the above project or to prevent the processing of any appeal on its merits which it may have already filed for such purpose.

(c) Nothing contained in this order shall be deemed to relieve Tanforan Company Ltd., Earl W. Heple, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of July 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-11769; Filed, July 3, 1946; 11:43 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 541]

PART 95—CAR SERVICE

APPROPRIATED CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C.; on the 3d day of July A. D. 1946.

It appearing, that there is a critical shortage of railroad freight cars; that shippers are appropriating such cars and shipping them almost empty to other points to complete loading with the actual lading; that such practice is wasteful and aggravates the car shortage, depleting and diminishing the use, control, supply, distribution and interchange of such cars; the Commission is of opinion that an emergency requiring immediate action exists in all sections of the country; it is ordered, that:

(a) *Appropriated cars to be stopped to complete loading.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, or transport or move, any railroad freight car or refrigerator car which is appropriated without being ordered, which car is tendered to be forwarded to another point to be stopped off to complete the loading thereof, unless or until the shipper or consignor of the appropriated car certifies on the bill of lading that the lading loaded in the car at the first loading point equals or exceeds twenty-five percent (25%) of the total lading to be loaded in the car when completely loaded at all points.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign commerce as well as interstate commerce.

(c) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C.

(e) *Effective date.* This order shall become effective at 12:01 a. m., July 8, 1946.

(f) *Expiration date.* This order shall expire at 11:59 p. m., November 15, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-11837; Filed, July 8, 1946; 11:34 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Emergency Order No. M-4, Amdt. 3]

PART 166—IDENTIFICATION OF VEHICLES

TEMPORARY METHOD OF IDENTIFICATION IN LIEU OF IDENTIFICATION PLATES

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 29th day of June A. D. 1946.

It appearing, that it is in the public interest to continue for a further period the provisions of Emergency Order No. M-4, relating to a temporary method of identification of vehicles:

It is ordered, That under authority of section 204 (f), Interstate Commerce Act, § 166.11 (c), Emergency Order No. M-4, issued on the 30th day of September A. D. 1943, be, and it is hereby, amended to read as follows:

§ 166.11 *Temporary method of identification in lieu of identification plates.* * * *

(c) This section shall become effective November 1, 1943, and shall remain in full force and effect only until March 31, 1947, or such earlier time as the Commission may by order hereafter designate. (49 Stat. 586, 52 Stat. 1240, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658, Public Law No. 475, approved June 29, 1946; 49 U.S.C. 304 (f), 324)

It is further ordered, That this amendment shall become effective June 30, 1946.

And it is further ordered, That notice of this order be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Division of the Federal Register.

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-11834; Filed, July 8, 1946; 11:34 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

Armored Garments, Inc., Spruce Pine, North Carolina; Pants, overalls, coveralls, and work shirts; forty (40) learners (EX); effective July 4, 1946, expiring October 3, 1946.

Delta Manufacturing Company 119 North Main Street, Lockhart, Texas; Pants, overalls, coveralls, and work shirts; Thirty-four (34) learners (EX); effective July 1, 1946, expiring September 30, 1946.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 3d day of July 1946.

PAULINE C. GILBERT,
Authorized Representative of
the Administrator.

[F. R. Doc. 46-11832; Filed, July 8, 1946;
11:04 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-43]

RAW OYSTERS AND SHUCKED OYSTERS

PROPOSED ORDER FIXING AND ESTABLISHING DEFINITIONS AND STANDARDS OF IDENTITY

It is proposed that by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U.S.C. 341, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561; 5 U.S.C. 133); and Reorganization Plans No. 1 (53 Stat. 1423, 4 F.R. 2727) and No. IV (54 Stat. 1234, 5 F.R. 2421); and upon the basis of evidence of record of the hearing held pursuant to the notices issued on June 16, 1945 (10 F.R. 7266-7) and October 19, 1945 (10 F.R. 13005), the following order be made:

*Findings of fact.*¹ 1. In the United States oysters are taken commercially from the salty coastal waters and bays of nineteen states on the Atlantic, Gulf, and Pacific coasts. The oysters found along the Atlantic and Gulf coasts belong to the species *Ostrea virginica* and are commonly called oysters, and in some areas "Eastern oysters". The oysters grown along the Pacific coast belong to one of two species *Ostrea lurida*, commonly called Olympia oysters, and *Ostrea gigas*, now commonly called Pacific oysters. From the consumers' standpoint the most significant difference between oysters of these species is their size. The range of sizes of the shucked oysters of the three species are as follows:

Species:	Approximate number of oyster meats per gallon
<i>O. lurida</i>	1,600-2,400
<i>O. virginica</i>	150-600
<i>O. gigas</i>	40-160

(R. 84, 452-453, 583, 732, 737, 1071, 1161-1162; Ex. 6, 7, 9, 10, 18, 29)

2. Eastern oysters after removal from the shell are sold to consumers under the names "oysters", "fresh oysters", and "shucked oysters". Pacific oysters and Olympia oysters after removal from the shell are sold to consumers under the names "Pacific oysters" and "Olympia oysters". Within recent years increasing amounts of raw oysters of all species have been packed in hermetically sealed containers for direct sale to consumers. Some confusion has arisen on the part of consumers due to the similarity of such containers to those used for canned oysters which are processed by heat. Oysters not processed by heat require constant refrigeration to prevent spoilage while those which are processed by heat require no refrigeration. In order to differentiate the raw oysters from the canned oysters some designation in addition to the word "oysters" is necessary.

¹The page references to certain relevant portions of the record are for the convenience of the reader; however, the findings of fact are not based solely on that portion of the record to which reference is made but upon consideration of all the evidence of record.

The terms "raw oysters" or "shucked oysters" are designations reasonably calculated to prevent confusion and to differentiate between the two styles of pack. The term "fresh oysters" conveys another meaning in addition to that conveyed by "raw" or "shucked" and is likely to be confusing. (R. 78-79, 583, 963-964, 1193; Ex. 9, 18, 36, 37, 38)

3. With few exceptions shucked oysters, other than Olympia oysters, are separated into size groups. Occasionally the oysters as shucked are of such uniform size that no separation is made. In either case prices are based on size as measured by the number of oyster meats required to fill a gallon container. Trade designations for the various sizes of eastern oysters, based on the number of oysters per gallon, are now and have for many years been commonly used by packers, wholesalers, and some retailers of oysters. Consumers generally and many retail dealers are not now familiar with these trade designations because oysters have not commonly been sold to consumers under these designations. Consumers are interested in the size of the oysters and in purchasing them generally state the size desired by such terms as "large" or "frying" oysters and "small" or "stewing" oysters. The price of eastern oysters increases with the size. (R. 24-25, 70, 76-78, 83-84, 87, 117, 791-792, 802, 991, 1022-1024, 1162, 1227; Ex. 7, 43)

4. Four classifications of eastern oysters according to size are well established and in general use in the trade. The trade designations for these sizes are, in the order of decreasing size: counts (in some areas called plants), extra selects, selects, and standards. Occasionally, oysters much smaller than those usually packed as "standards" are sold under this designation. A separate designation is necessary to describe such oysters properly. The number per gallon of eastern oysters of a designated size varies somewhat in practice. Different packers do not always use the same designations for oysters of the same or comparable size and the same packer may at different times pack oysters of the same or comparable size under different size designations. Several years ago the oyster industry suggested certain descriptive names synonymous with trade size designations but such descriptive names have not been used to any significant extent. Reasonable ranges of count per gallon, the corresponding trade terms for such sizes, and self-explanatory descriptive names are as follows:

Trade Name and Descriptive Name	Count per gallon Not more than 160.
Counts or plants, extra large.	
Extra selects, large.....	160-210.
Selects, medium.....	211-300.
Standards, small.....	301-500.
Standards, very small.....	Over 500.

(R. 25, 80-84, 236, 791, 794-795, 992-993, 1000; Ex. 10)

5. It is in the interest of consumers to have oysters of a designated size classification of approximately the same size. To assure uniformity of size of eastern oysters it is reasonable to require that a quart measure which is filled by selecting

the largest oysters from a representative gallon contain not less than 22.5 percent of the minimum number of oysters permitted in such gallon, and that a quart measure which is filled by selecting the smallest oysters contain not more than 27.5 percent of the maximum number of oysters permitted in such gallon. (R. 84-86, 94, 237-238, 1161-1162; Ex. 26)

6. Pacific oysters are segregated and sold according to size on the basis of the number of oyster meats in a gallon. Prior to 1942 the size classifications were designated by letters as follows in descending order from largest to smallest: AAA, AA, A, B, C, and D. All packers did not grade the oysters uniformly and the meanings of the letter designations were not generally known to consumers. The price of Pacific oysters, by weight or volume, in general, decreases as the size increases. (R. 82-83, 407-408, 478, 480-481, 487, 505-506, 513-514)

7. During the war packers of Pacific oysters began selling such oysters to the United States Army by weight and designating sizes by the number of oysters per pound. This practice soon spread to civilian sales and is now in general use. A consumer size package commonly used has a capacity of one pint and is filled by slightly more than one pound of oysters and is usually labeled to indicate the number of oysters per pint or pound. Labels of larger containers now commonly designate the number of oysters per pint or pound. The designation of Pacific oysters by the number per pint or pound has become common practice for identifying them as to size. (R. 306, 318, 452-453, 477-478, 506-507, 510; Ex. 18, 21)

8. The designations now in common use for the various size classifications of Pacific oysters are as follows:

Count per gallon:	Designation (per pint)
40 to 64.....	5 to 8
65 to 80.....	8 to 10
81 to 96.....	10 to 12
97 to 120.....	12 to 15
121 to 144.....	15 to 18
More than 144.....	over 18

It is desirable that in a particular size designation the oysters be comparable in size or approximately the same size. To assure uniformity of size of Pacific oysters it is reasonable to require that the largest oysters in the container be no more than twice the weight of the smallest oyster therein. (R. 84, 302, 306, 451-453, 478, 510, 570-571, 577-578; Ex. 18, 21)

9. Shucked Olympia oysters are much smaller than the eastern or Pacific oysters and are not segregated for size. (R. 83-84, 86, 583)

10. The process of preparing shucked oysters from shell oysters varies somewhat in different localities but is essentially as follows for all these species: The shell containing the oysters, which may have been washed to remove adhering dirt, silt, etc., is opened, the muscle of the oyster cut from the shell and the oyster removed and placed into a shucking pail. In some plants the shucking pails contain no fresh water, in some the shucking pails are partly filled with fresh water, and in others the pails are perforated. In some plants immediately after shucking the oysters are dropped

by the shucker into a trough containing flowing water by which the oysters are carried to the place in the plant where they are washed. This is called "fluming". The oysters, if not already drained during the shucking process, are drained to remove the liquid which has exuded from them and any which was in the shucking pail. The oysters are then washed to remove any foreign adhering matter such as sand, dirt, silt, pieces of shell, etc. After washing the oysters are drained to remove wash water, and packed without the addition of any other substance. (R. 37-41, 181, 195, 211, 343, 629-630, 820, 821, 839-840; Ex. 9, 10, 26)

11. There is considerable variation in the methods of washing. In some plants the oysters, either individually or in mass, are washed on a strainer usually called a "skimmer" with a stream or spray of water. In some plants the oysters are placed into a container with water and agitated. A very common method of washing, particularly on the Atlantic and Pacific coasts, is known as "blowing". In this process the oysters are placed in a tank with water and agitated by a current of compressed air usually introduced through a pipe at the bottom of the tank. Blowing is an efficient method of cleaning the oysters and 3 to 5 minutes blowing time is generally sufficient. In order to remove a black pigment which is sometimes found on the mantle of Pacific oysters it is at times necessary to blow such oysters for longer periods. This pigment is not harmful but it detracts from the appearance of the oysters. (R. 39-41, 60-61, 128-129, 276, 303, 345-347, 370-371, 402, 432-434, 437, 498-499, 542, 560-561, 586-588, 1217; Ex. 8, 9, 10, 26)

12. When oysters of any species are removed from the shell and placed in contact with fresh water some of their soluble constituents are removed, and the oysters absorb some of the water. Generally the amount of water absorbed and the amounts of soluble constituents lost are in direct relation to the length of time the oysters are in contact with fresh water. Contact of shucked oysters with fresh water generally results in increasing their size due to water absorption, in loss of flavor and of desirable nutritive ingredients. This is contrary to the interest of consumers. Prolonged contact of oysters with fresh water during the washing process is one of the chief causes of such abuses. Oysters should not be washed longer than is necessary to clean them. It is impracticable to prescribe a uniform method of washing which is effective and unobjectionable or to specify the exact time necessary for washing oysters that will be applicable to all oysters at all times. A reasonable method of preventing excessive or unnecessary absorption of water and loss of nutritive ingredients and flavor due to action of fresh water is to limit the total length of time during which oysters are in contact with fresh water. (R. 22, 46, 48, 62-63, 96, 98, 104-106, 126-128, 192, 279-280, 498, 500-501, 550, 582-585, 769-770, 828, 1022, 1037, 1055, 1074-1075, 1133-1134, 1185-1186)

13. When oysters are agitated during contact with fresh water, whether the agitation is by blowing or otherwise, the

action of the water on the oysters, i. e., the absorption of water by the oysters and the loss of salt and solids, is about twice as rapid as when oysters are in contact with still or unagitated fresh water. In computing a reasonable time that oysters may be in contact with fresh water after removal from the shucking pail, allowance should be made for the time necessary to prepare the oysters for washing, by blowing or otherwise, the actual washing time, and the time necessary to transfer the oysters to the skimmer for draining. The total time of contact with fresh water after the oysters are removed from the shucker's pails until draining is completed need not exceed 30 minutes and is usually much less. Since the reaction of oysters with fresh water is about twice as rapid when the oysters are being agitated as when still, the length of time of contact with fresh water during which oysters are agitated should be doubled when computing a reasonable time limit for preventing unnecessary abuse of oysters. (R. 60-63, 95, 129, 286, 632-634, 645-647, 650, 703, 986, 1031, 1176, 1180-1181, 1217; Ex. 8, 10, 24, 45, 46)

14. When oysters are shucked into pots which contain fresh water there is some absorption by the oysters of some of the water. Where the container into which oysters are shucked contains no more fresh water than $\frac{1}{4}$ of the capacity of the container, and it is filled with oysters by the shucker, the composition of the water is rapidly altered by material which exudes from the oysters and the absorption of water is not excessive. It is reasonable to place this limit on the amount of water in the shucking containers. (R. 42-45, 127)

15. All oysters exude some fluid after removal from the shell. This is called bleeding. This fluid is practically all water. Shucked oysters, even of the same species and grown in the same geographical area when subjected to the same or similar conditions, do not always react in the same way. The differences manifest themselves in many ways, among them the amount of bleeding, the length of time of bleeding, the amount of water absorbed when placed in fresh water, and the amount of soluble material and nutrients lost when placed in fresh water. Oysters in some sections of the country, particularly in certain sections of the Gulf area, bleed more freely and for longer periods of time than oysters from other sections of the country. If oysters are washed, drained, and packed while still bleeding liquid will appear in the container in which packed giving the appearance of inadequate drainage. (R. 69, 96, 104-106, 112, 181, 192-194, 279-280, 287, 361-362, 375, 423, 426-427, 430-431, 445-446, 473, 500-501, 534-535, 537-538, 544, 584, 735, 765, 769-770, 823, 841, 883, 897, 909-912, 925, 964, 1173; Ex. 30, 44)

16. Failure to drain the oysters properly after washing is the principal cause which results in the inclusion of extraneous and unnecessary water in the packed oysters. Adequate drainage is accomplished by permitting the oysters to drain on a skimmer or other perforated surface for a sufficient time. The oysters should be distributed evenly over

the surface. The draining area should be not less than 300 square inches per gallon of oysters drained and the perforations should be at least $\frac{1}{4}$ of an inch in diameter and not less than $1\frac{1}{4}$ inches apart. Adequate drainage may be determined objectively by measuring the amount of liquid remaining in the packed oysters. When such oysters contain not more than 5% liquid when tested within 15 minutes after packing by the method described in Finding No. 17 they may be considered to have been adequately drained. An alternative requirement applicable to oysters which bleed for long periods of time is to require that they be drained under the conditions heretofore described in this finding for not less than five minutes after the last washing with fresh water. (R. 39-40, 45, 69, 126-127, 180, 193-194, 286, 344, 365, 382-384, 418-419, 502, 584, 793-794, 987-989, 991, 1173, 1212; Ex. 26, 30)

17. The method of testing referred to in Finding No. 16 is as follows: Take at least a gallon of oysters and obtain weight; drain these oysters for 2 minutes on a skimmer of the dimensions and in the manner described in Finding No. 16; remove and weigh drained oysters and calculate weight lost as percentage of weight before draining. (R. 40, 64-65)

18. Shucked oysters placed in contact with water of a higher degree of salinity than the water in which they were grown shrink and when placed in contact with water of a lower salinity there is loss of solids and absorption of water, increasing as the salinity decreases. There is no known formula by which the amount of shrinkage or absorption can be determined. The salinity of the water in which oysters grow varies from approximately 2 to 32 parts per thousand (.2 to 3.2% salt). If water in containers into which oysters are shucked or in which oysters are washed contains not less than .75% salt no appreciable loss of solids or absorption of water is likely to occur. (R. 43, 48-49, 51, 107, 733, 769, 1036, 1134)

19. The practice of holding oysters prior to shucking in water of lower saline content than that in which they were grown, sometimes called "floating", or any other practice which causes the oysters to absorb water prior to shucking, is not in the interest of consumers and should be prohibited. (R. 27, 36, 48-49, 342, 562, 786; Ex. 2, 4, 5, 8)

Conclusions. On the basis of the foregoing findings of fact it is concluded that the following regulations fixing and establishing definitions and standards of identity for raw oysters, shucked oysters will promote honesty and fair dealing in the interest of consumers:

§ 36.10 *Raw oysters, shucked oysters; identity.* (a) Raw oysters, shucked oysters, are the class of foods each of which is obtained by shucking shell oysters and preparing them in accordance with the procedure prescribed in paragraph (b). The name of each such food is the name specified in the applicable definition and standard of identity prescribed in §§ 36.11 to 36.22, inclusive.

(b) If water, or salt water containing less than 0.75 percent salt, is used in any vessel into which the oysters are shucked,

the combined volume of oysters and liquid when such oysters are emptied from such vessel is not less than four times the volume of such water or salt water. Any liquid accumulated with the oysters is removed. The oysters are washed, by blowing or otherwise, in water or salt water, or both. The total time that the oysters are in contact with water or salt water after leaving the shucker, including the time of washing, rinsing, and any other contact with water or salt water is not more than thirty minutes. In computing the time of contact with water or salt water, the length of time that oysters are in contact with water or salt water that is agitated by blowing or otherwise, shall be calculated at twice its actual length. Any period of time that oysters are in contact with salt water containing not less than 0.75 percent salt before contact with oysters, shall not be including in computing the time that the oysters are in contact with water or salt water. Before packing into the containers for shipment or other delivery for consumption the oysters are thoroughly drained and are packed without any added substance.

(c) For the purposes of this section:

(1) "Shell oysters" means live oysters of any of the species, *Ostrea virginica*, *Ostrea gigas*, *Ostrea lurida*, in the shell, which, after removal from their beds, have not been floated or otherwise held under conditions which result in the addition of water.

(2) "Thoroughly drained" means one of the following: (i) the oysters are drained on a strainer or skimmer which has an area of not less than 300 square inches per gallon of oysters drained and has perforations of at least $\frac{1}{4}$ of an inch in diameter and not more than $1\frac{1}{4}$ inches apart, or perforations of equivalent areas and distribution. The oysters are distributed evenly over the draining surface of the skimmer and drained for not less than five minutes; or (ii) the oysters are drained by any method other than that prescribed by subdivision (i) whereby liquid from the oysters is removed so that when the oysters are tested within 15 minutes after packing by draining a representative gallon of oysters on a skimmer of the dimensions and in the manner described in subdivision (i) for 2 minutes, not more than 5 percent of liquid by weight is removed by such draining.

§ 36.11 *Extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants); identity.* Extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants), are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for raw oysters by § 36.10 and are of such size that one gallon contains not more than 160 oysters and a quart of the smallest oysters selected therefrom contains not more than 44 oysters.

§ 36.12 *Large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects; identity.* Large raw oysters, raw oysters extra selects, large shucked oysters, shucked

oysters extra selects, are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for raw oysters by § 36.10 and are of such size that one gallon contains more than 160 oysters but not more than 210 oysters; a quart of the smallest oysters selected therefrom contains not more than 58 oysters, and a quart of the largest oysters selected therefrom contains more than 36 oysters.

§ 36.13 *Medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects; identity.* Medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects, are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for raw oysters by § 36.10 and are of such size that one gallon contains more than 210 oysters but not more than 300 oysters; a quart of the smallest oysters selected therefrom contains not more than 83 oysters, and a quart of the largest oysters selected therefrom contains more than 46 oysters.

§ 36.14 *Small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards; identity.* Small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards, are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for raw oysters by § 36.10 and are of such size that one gallon contains more than 300 oysters but not more than 500 oysters; a quart of the smallest oysters selected therefrom contains not more than 138 oysters and a quart of the largest oysters selected therefrom contains more than 68 oysters.

§ 36.15 *Very small raw oysters, very small shucked oysters; identity.* Very small raw oysters, very small shucked oysters, are of the species *Ostrea virginica* and conform to the definition and standard of identity prescribed for raw oysters by § 36.10 and are of such size that one gallon contains more than 500 oysters, and a quart of the largest oysters selected therefrom contains more than 112 oysters.

§ 36.16 *Raw Olympia oysters, shucked Olympia oysters; identity.* Raw Olympia oysters, shucked Olympia oysters are of the species *Ostrea lurida* and conform to the definition and standard of identity prescribed for raw oysters in § 36.10.

§ 36.17 *Raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint; identity.* Raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for raw oysters by § 36.10 and are of such size that one gallon contains less than 65 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.18 *Raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint; identity.* Raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint, are of the

species *Ostrea gigas* and conform to the definition and standard of identity prescribed for raw oysters by § 36.10 and are of such size that one gallon contains more than 64 and not more than 80 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.19 *Raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint; identity.* Raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for raw oysters by § 36.10 and are of such size that one gallon contains more than 80 and not more than 96 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.20 *Raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint; identity.* Raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for raw oysters by § 36.10 and are of such size that one gallon contains more than 96 and not more than 120 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.21 *Raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint; identity.* Raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for raw oysters by § 36.10 and are of such size that one gallon contains more than 120 and not more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.22 *Raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint; identity.* Raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint, are of the species *Ostrea gigas* and conform to the definition and standard of identity prescribed for raw oysters by § 36.10 and are of such size that one gallon contains more than 144 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the General Counsel, Room 3257 Social Security Building, 4th Street and Independence Avenue, S. W., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be

accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

Washington, D. C., July 3, 1946.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 46-11848; Filed, July 8, 1946; 11:56 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 479, Special Permit 2]

REFRIGERATION OF POTATOES FROM NORTH CAROLINA

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph of Service Order No. 479 (11 F.R. 3367), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 479 insofar as it applies to the furnishing of standard refrigeration on five refrigerator cars loaded with potatoes, shipped July 3, 1946, from the Pantego Section of North Carolina by the Q. M. Corps, U. S. Army, consigned: one to Miami, Fla.; one to Fort McPherson, Ga.; two to Green Cove Springs (Duroc), Fla.; and one to Fort McClellan (Anniston), Alabama.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of July 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-11836; Filed, July 8, 1946; 11:35 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region VI Order G-36 Under RMPR 122]

SOLID FUELS IN TWIN CITIES

Pursuant to the authority vested in the Regional Administrator for Region VI of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, as amended, and for reasons stated in an opinion issued herewith, it is ordered:

(a) *Effect of this order.* This order adjusts the maximum prices for sales of solid fuels by dealers in the Minneapolis-

St. Paul Twin Cities area previously established by Order No. G-5, as amended, and adjusted throughout Region VI by Order No. G-35, based upon mine increases.

(b) *Geographical applicability and sales affected.* This order applies to all sales of solid fuels in the Twin Cities area by dealers in that area who have increased labor costs by reason of increased wages being paid to drivers and yard men, approved by the National Wage Stabilization Board in cases Nos. 6-3-243 and 6-1-817.

(c) *Price adjustments.* An increase in the amount of \$0.15 per ton is ordered hereby in the existing maximum prices for sales by the above dealers of solid fuels, from whatever source such fuels are obtained.

(d) This Order No. G-36 shall remain in effect until Order No. G-5 is amended to reflect the price increase permitted herein and to supersede this order.

(e) *Effect of order on Revised Maximum Price Regulation No. 122.* Insofar as any provision of this order may be inconsistent with any provision of Revised Maximum Price Regulation No. 122, as amended, the provision contained in this order shall be controlling. Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122, as amended, shall remain in full force and effect.

(f) This order may be amended, modified or revoked at any time.

This order shall be effective June 21, 1946.

Issued this 21st day of June 1946.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 46-11725; Filed, July 3, 1946; 11:23 a. m.]

[Region VII Order G-6 Under Supp. SR 47 to RMPR 165]

RETAIL SHOE REPAIR SERVICES IN MONTANA

Order No. G-6 under Supplementary Service Regulation No. 47 to Revised Maximum Price Regulation No. 165. Shoe repair in Montana. Docket No. 7-SSR 47-680 (a)-6.

For the reasons set forth in an opinion, issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.680 (a) of Supplementary Service Regulation 47 to Revised Maximum Price Regulation No. 165, it is ordered:

SECTION 1. *Retail shoe repair services in the State of Montana—(a) Maximum prices.* On and after June 25, 1946, and notwithstanding the pricing provisions of Revised Maximum Price Regulation 165, and regardless of any previous regulation, order (including an order authorizing a price adjustment), or approval, no seller of the retail shoe repair services listed in Table 1 below in the State of Montana shall charge prices higher than the maximum prices set forth in said Table 1 for such services.

TABLE 1—MAXIMUM PRICES FOR RETAIL SHOE REPAIR SERVICES IN THE STATE OF MONTANA

	Men's shoes and boys' shoes larger than size 3½	Boys' shoes, sizes 13½ through 3½	Women's shoes and girls' shoes larger than size 13	Children's shoes smaller than size 13½		Men's shoes and boys' shoes larger than size 3½	Boys' shoes, sizes 13½ through 3½	Women's shoes and girls' shoes larger than size 13	Children's shoes smaller than size 13½
LEATHER HALF-SOLE SERVICES					COMPOSITION, RUBBER, OR FIBER HALF-SOLE SERVICES				
Men's and boys' 4-inch or lighter leather or equal	Per pair \$1.25	Per pair \$1.00	Per pair	Per pair	Competitive grade, 10½ iron	Per pair \$1.15	Per pair \$0.90	Per pair \$0.90	Per pair \$0.75
Men's and boys' with 4½-inch or heavier leather or equal	1.50	1.25			Standard grade, 10½ iron	1.25	1.00	1.00	.85
Women's, girls' and children's nailed, in all weights of leather			\$1.00	\$0.95	Super grade, 10½ iron	1.35	1.10	1.10	.95
Women's, girls' and children's sewed, in all weights of leather			1.25	1.00	Flat cord grade, 10½ iron	1.45	1.20	1.20	1.05
Women's, girls' and children's cemented, in all weights of leather			1.35	1.10	Cord-on-end and cord insert grades, 10½ iron	1.55	1.30	1.30	1.10
LEATHER FULL SOLE SERVICES, SEWED (WITHOUT HEELS)					NOTE: Deductions in the following amounts must be made for 9 iron				
Men's and boys' 4-inch or lighter leather or equal	2.25	2.00				.10	.10	none	.10
Men's and boys' with 4½-to 5½-inch leather or equal	2.50	2.25			Additional charges in the following amounts may be made for:				
Men's and boys' with 6-inch or heavier or equal	2.75	2.50			Heavy (12 iron) in above grades	.10	.10	.10	.10
Women's, girls', or children's in all weights of leather			2.60	2.00	Extra heavy (14 iron) in above grades	.20	none	none	none
Additional charges in the following amounts may be added for:					Size 12 tap, or larger in above grades	.15	.15	.15	.15
Premium leather which must be stamped with one of the following terms:					Brown in above grade	.15	.15	.15	.15
Prime, Fine, S. B. Prime, X-Fine, Extra-Fine, X-Prime, Y-Fine, Prime-F, Fine-F, Prime-X, Fine-E, Government Selection, Military Selection, or Army Selection	.25	.25	.15	.15	Full soles in above grades (without heels)	.65	.55	.50	.40
(When an additional charge is made for premium leather, the seller must give sales slip, or otherwise identify by a special marker, denoting that a premium grade leather has been used in a half-sole service.)					COMPO-DRESS HALF-SOLE SERVICES				
Men's and large boys' finished leather half-soles wider than 4½ linear inches, measured any place on the sole at right angles to the length; or longer than 6½ linear inches, measured from the center of the shank to the center of the toe; or both	.25				Group A grades, half-soles men's and boys'	1.75	1.50		
Women's and girls' finished leather half-soles wider than 3½ linear inches, measured any place on the sole at right angles to the length; or longer than 6½ linear inches, measured from the center of the shank to the center of the toe; or both			.15		Women's, girls' and children's:			1.15	1.10
					Nailed			1.40	1.15
					Sewed			1.50	1.25
					Cemented				
LEATHER HEEL SERVICES					LEATHER TOE TIP SERVICES				
					Nailed	.50	.40	.35	.35
					Sewed	.55	.45	.40	.35
					Cemented	.60	.50	.45	.45

SEC. 2. *Definitions.* (a) The definitions set forth in paragraph (h) of Supplementary Service Regulation No. 47 to Revised Maximum Price Regulation No. 165 also apply to this order except insofar as modified herein below.

(b) "Half-sole service" means the attachment of all half-soles to footwear as defined in paragraph (c) of this section, regardless of the method used. The term includes all operations, materials and preparatory services for a half-sole job including the following for which no additional charges may be made: replacing and renewing all filler material and friction strips; repairing or replacing only a part of an innersole; repositioning loosened covered arch support; reseating or tightening shank piece; attaching a loose welt by tacking; re-attaching an upper pulled loose from a non-welt shoe; patching upper at the sole line, when not in the toe box area; re-attaching any loose portion of a sole in the shank area; picking stitches; any bottom finish; invisible shank; re-attaching loose heel breasting; re-setting old sock lining; treating of leather.

The following shall not be considered parts of a half-sole service; repairing or replacing Goodyear Welt; or attaching a pulled loose welt by sawing; inserting a new full innersole; repairing a broken shank piece, or inserting a new

shank piece; repairing or replacing toe box.

(c) "Shoe repair services" means the repair of footwear designed for general street or outdoor use, heavy work shoes, and any other types of footwear specified in this order. The term does not include the special repair services required for occupational footwear, such as cowboys' boots, loggers' shoes, safety shoes, etc.

(d) "Group 'A' Grades" half-soles means Neolite Brand soles, manufactured by Goodyear Tire and Rubber Company; Panolene Brand soles, manufactured by Panther-Panco Rubber Company; and men's molded brown leather color plastic half-soles, manufactured by the O'Sullivan Rubber Company.

(e) The definitions of "Fine Grade Leather" and "Prime Grade Leather," as used in SSR 47, shall not apply to the shoe repair services subject to this order.

SEC. 3. *Applicability of other regulations.* Except as herein provided to the contrary all provisions of Supplementary Service Regulation No. 47 and Revised Maximum Price Regulation No. 165 shall apply to all persons who supply the service of repairing shoes at retail. Shoe repair services which are not listed in this order remain subject to the provisions of Revised Maximum Price Regulation No. 165 (Services) and Maximum Price Regulation No. 200 (Rubber heels and soles

in the shoe repair trade) whichever is applicable.

SEC. 4. *Posting.* Every person who supplies the service of shoe repairing at retail in the State of Montana shall within fifteen days after the issuance of this order, post at his place of business, in a location plainly visible to his customers, a poster—to be supplied by the Office of Price Administration, setting forth the maximum prices established by this order.

This order may be amended, modified or revoked at any time by the Regional Administrator of Region VII.

This order shall become effective on the 25th day of June 1946.

Issued this 24th day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

[F. R. Doc. 46-11751; Filed, July 3, 1946; 11:32 a. m.]

[Peoria Rev. Order G-9 Under Gen. Order 68]
HARD BUILDING MATERIALS IN PEKIN, ILL.
AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 63, it is ordered:

SECTION 1. What this order covers. This order covers all retail sales made by any seller, except the manufacturer, of commodities specified in Appendix A attached hereto delivered to the purchaser in the Pekin, Illinois, area. The Pekin area covered by this order consists of the area lying within the corporate city limits of the City of Pekin, Illinois, and also the area in Tazewell County, Illinois lying within two (2) miles from the corporate city limits of Pekin, Illinois, in any direction.

SEC. 2. Definitions—(a) Retail sale. For the purpose of this order, a retail sale means a sale to an ultimate user, or to any contractor; *Provided*, That for the purposes of this order a "retail sale" shall not include any sale to the United States Government or any of its political sub-divisions.

(b) Contractor. Any person who sells material or equipment, and in connection therewith assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performance and use, or by other objective evidence, shall be considered a contractor.

(c) Applicators. Purchases by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

SEC. 3. Relation to other regulations. The maximum prices fixed by this order supersede any maximum prices or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendix A prior to the issuance of this order shall continue to apply to sales covered by this order.

SEC. 4. Maximum price, discounts and delivery practices. On and after the date of this order, regardless of any contract, agreement or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined, any of the items listed in Appendix A attached hereto, at prices higher than the maximum prices set forth in this appendix. All prices include free delivery within the area described by this order.

SEC. 5. Posting. Every seller making sales covered by this order shall post a copy of the list of maximum prices for all sales contained in Appendix A of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. There is attached to this order for your convenience two copies of its appendix containing the items covered, with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted.

SEC. 6. Sales slips and records. Every seller covered by this order must provide

the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale, of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling \$7.50 or more.)
4. Description of the item sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. Charge, if any, for delivery beyond the free delivery zone, to be separately listed from the price of the item.
6. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages, as provided for by the Emergency Price Control Act of 1942, as amended.

No person subject to the order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

Appendix. The appendix containing the dollars-and-cents ceiling prices and the discounts and allowances established by this order is attached hereto, marked Appendix A and made a part hereof.

This revised order may be modified, amended, or revoked at any time.

This revised order shall become effective June 29, 1946.

Issued this 24th day of June 1946.

KENNETH H. LEMMER,
District Director.

APPENDIX A

PROVISIONS REGARDING DISCOUNTS, ALLOWANCES AND DELIVERY PRACTICES

1. *Cash discounts.* To all purchasers two (2) percent for payment on or before the 10th day of the month following date of delivery.

Maximum Prices to All Purchasers

Description of materials and unit	Price
Plaster:	
1. Plaster, hard wall, 100-lb. bag--	\$1.10
2. Plaster, hard wall, per ton-----	22.00
3. Plaster, gauging, super white, 100-lb. bag-----	1.80
4. Keene's cement, 100-lb. bag-----	2.55
Lime:	
5. Finishing lime, 50-lb. bag-----	.60
6. Mason's hydrated lime, 50-lb. bag-----	.50
Gypsum products:	
7. Gypsum lath, $\frac{3}{8}$ " sq. ft.-----	.028
8. Gypsum wallboard, $\frac{3}{8}$ " sq. ft.-----	.04

Maximum Prices to All Consumers—Con.

Description of materials and unit	Price
Metal lath:	
9. Metal lath, 3.4 lb. painted, diamond mesh, sq. yd.-----	\$0.33
10. Metal lath, corner bead, expanded type, lin. ft.-----	.052
Cement products:	
11. Portland cement, standard (paper bags), 94-lb. bag-----	.80
12. Masonry mortar (paper bags), 70-lb. bag-----	.70
13. Waterproof cement, gray, 94-lb. bag-----	1.05
Clay products:	
14. Clay drain tile 4", lin. ft.-----	.0534
15. Clay drain tile 6", lin. ft.-----	.0859
16. Vitrified clay sewer pipe No. 1SS 4", lin. ft.-----	.184
17. Vitrified clay L's, T's and Y's 4" each-----	.664
18. Vitrified clay L's, T's and Y's 6" each-----	.996
19. Flue lining 9 x 9, lin. ft.-----	.398
20. Flue lining 9 x 13, lin. ft.-----	.572
21. Flue lining 13 x 13, lin. ft.-----	.842

Roofing:	
22. Asphalt roofing, 90-lb., mineral surface, per square-----	2.845
23. Asphalt or tarred felt, 15-lb., per roll-----	2.633
24. Asphalt or tarred felt, 30-lb., per roll-----	2.633

Insulation material:	
25. Fibre insulation board, $\frac{1}{2}$ " standard lath and board, sq. ft.-----	.05
26. Fibre insulation board, $\frac{3}{4}$ " asphalt sheathing, sq. ft.-----	.069
27. Hard density synthetic fibre board, standard size, sq. ft.-----	.10

[F. R. Doc. 46-11742; Filed, July 3, 1946; 11:30 a. m.]

[Peoria Rev. Ord. G-10 Under Gen. Order 68]

HARD BUILDING MATERIALS IN KEWANEE, ILL., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68, it is ordered:

SECTION 1. What this order covers. This order covers all retail sales made by any seller, except the manufacturer, of commodities specified in Appendix A attached hereto delivered to the purchaser in the Kewanee, Illinois area. The Kewanee area covered by this order consists of the area lying within the corporate city limits of the City of Kewanee, Illinois, and also the area in Henry County, Illinois, lying outside the corporate city limits of Kewanee, Illinois, and extending a distance of five (5) miles beyond such corporate city limits in all directions.

SEC. 2. Definitions—(a) Retail sale. For the purpose of this order, a retail sale means a sale to an ultimate user, or to any contractor; *Provided*, That for the purposes of this order a "retail sale" shall not include any sale to the United States Government or any of its political sub-divisions;

(b) Contractor. Any person who sells material or equipment, and in connection therewith assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performance and use, or by other objec-

tive evidence, shall be considered a contractor;

(c) *Applicators.* Purchases by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

SEC. 3. *Relation to other regulations.* The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the regulations applicable to the commodities listed in Appendix A prior to the issuance of this order shall continue to apply to sales covered by this order.

SEC. 4. *Maximum price, discounts and delivery practices.* On and after the date of this order, regardless of any contract, agreement or other obligation, no person covered by this order shall sell, offer to sell, or deliver at retail as herein defined, any of the items listed in Appendix A attached hereto, at prices higher than the maximum prices set forth in this Appendix. All prices include free delivery within the area described by this order.

SEC. 5. *Posting.* Every seller making sales covered by this order shall post a copy of the list of maximum prices for all sales contained in Appendix A of this order in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. There is attached to this order for your convenience two copies of its Appendix containing the items covered, with the respective maximum prices applicable. One such copy of such list may be detached and used as a poster hereinbefore required to be posted.

SEC. 6. *Sales slips and records.* Every seller covered by this order must provide the purchaser, whether he requests it or not, with a sales slip, invoice, receipt, or other evidence of sale, of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The sales slip or other evidence of sale shall contain the following information with respect to items subject to this order:

1. Name and address of seller.
2. Date of sale.
3. Name and address of purchaser (necessary only on sales of items totaling \$7.50 or more.)
4. Description of the item sold, including quantity, grade, and any other matter insofar as any of these matters may affect the price, in full detail necessary to permit the exact calculation of the applicable maximum price.
5. Charge, if any, for delivery beyond the free delivery zone to be separately listed from the price of the item.
6. The total price.

Each such seller shall also keep such records of each sale as he customarily kept.

SEC. 7. On and after the effective date of this order any person covered by this

order who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended.

No person subject to the order may evade any of the provisions of the order by any stratagem, scheme, or device. No person subject to this order, may as a condition of selling any particular building material, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

Appendix. The appendix containing the dollars-and-cents ceiling prices and the discounts and allowances established by this order is attached hereto, marked Appendix A and made a part hereof.

This revised order may be modified, amended, or revoked at any time.

This revised order shall become effective June 29, 1946.

Issued this 24th day of June 1946.

KENNETH H. LEMMER,
District Director.

APPENDIX A—TABLE OF PRICES

MAXIMUM PRICES TO ALL PURCHASERS

Description of materials and unit	Price
Plaster:	
1. Plaster, hard wall, 100-lb. bag	\$1.10
2. Plaster, gauging, 100-lb. bag	1.10
3. Plaster, moulding, 100-lb. bag	1.75
4. Keene's cement, 100-lb. bag	2.55
Lime:	
5. Lime, finishing, 50-lb. bag	.60
6. Mason's hydrated lime, 50-lb. bag	.55
Metal lath:	
7. Metal lath, corner bead, expanded type, lin. ft.	.052
Cement products:	
8. Masonry mortar (paper bag), 50-lb. bag	.70
Clay products:	
9. Clay drain tile 4", lin. ft.	.065
10. Clay drain tile 6", lin. ft.	.10
11. Vitrified clay sewer pipe, No. 1SS 4", lin. ft.	.224
12. Vitrified clay sewer pipe, No. 1SS 6", lin. ft.	.306
13. Fire clay, 100 lb. bag	1.00
Roofing:	
14. Asphalt roofing, 90 lb. mineral surface, per sq.	2.595
15. Asphalt or tarred felt, 15 lb., per roll	2.633
16. Asphalt or tarred felt, 30 lb., per roll	2.633
17. Asphalt shingles, 165 lb., 2 tab hexagon, per sq.	5.00
Insulation materials:	
18. Fibre insulation board 1/2" Std. lath and board, sq. ft.	.05
19. Fibre insulation board 25/32", asphalt sheathing, sq. ft.	.074
20. Thermal insulation blankets (paper backed) double thick, balsam wool, sq. ft.	.07
21. Thermal insulation batts (paper backed), 2" thick, sq. ft.	.05
22. Thermal insulation batts (paper backed), full thick, sq. ft.	.0625
23. Thermal insulation, loose in bags, plain, 35-lb. bag	1.00
24. Thermal insulation, loose in bags, nodulated, 35-lb. bag	1.25

[Region VI Order G-35 Under RMPR 122]

SOLID FUELS IN CHICAGO REGION

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, as amended, and for reasons stated in an Opinion issued herewith, it is ordered:

(a) *What this order does.* This order adjusts the maximum prices for the sale of solid fuels, except anthracite or miscellaneous solid fuels as defined in Maximum Price Regulation No. 121, of all dealers whose coal is obtained by all rail or truck transportation from mines and whose maximum prices for the sale of such solid fuels are now established under area pricing orders of Region VI of the Office of Price Administration.

(b) *Geographical applicability.* This order applies to all sales in which the buyer received physical delivery within the areas covered by each area pricing order in Region VI, which includes the States of Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Lake County, Indiana.

(c) *Exclusions.* This order shall not apply to sales by dealers of solid fuels obtained from dock facilities, or to anthracite or miscellaneous solid fuels as defined in Maximum Price Regulation No. 121, as amended.

(d) *Price adjustments.* On solid fuels obtained from mines by all rail or truck transportation the sale of which is governed by maximum prices established by Region VI Orders G-1 to G-16 under Revised Maximum Price Regulation No. 122 inclusive, and appendices thereto, and any other Region VI area pricing orders issued under that regulation dealers are hereby permitted to increase the maximum prices in accordance with the schedule below. The amount which may be added is determined by the Production District from which the solid fuel is derived, and by the type of mine operation by means of which it is produced. Additions may only be made in the amount specified for the particular Production Districts listed. No addition may be made on coal produced in Production Districts not specifically listed herein.

Production district No. 1:	Per ton
Deep mines	\$0.57
Strip mines prepared and blended by order	.57
Strip mines cleaned and prepared by order	.22
Strip mines raw	.00
Production district No. 2:	
Deep mines	.51
Strip mines cleaned and prepared by order	.25
Strip mines raw	.00
Production district No. 3: All mines	.30
Production district No. 4:	
Deep mines	.37
Strip mines prepared and blended by order	.37
Strip mines raw	.11
Production district No. 5: All mines	1.44
Production district No. 6: All mines	.35
Production district No. 7: All mines	.58
Production district No. 8: All mines	.46
Production district No. 9:	
Deep hand loaded mines	.30
All other mines	.19

[F. R. Doc. 46-11741; Filed, July 3, 1946; 11:28 a. m.]

Production district No. 10:	Per ton
Hand loaded mines size group Nos. 1-8	\$0.45
Hand loaded mines size group Nos. 9-29	.25
Machine loaded mines size group Nos. 1-8	.25
Machine loaded mines size group Nos. 9-29	.35
Strip mines size group Nos. 1-8	.10
Strip mines size group Nos. 9-29	.20
Production district No. 11: all mines	.35
Production district No. 12:	
Deep mines	1.47
Strip mines	.10
Production district No. 14:	
Deep mines	1.05
Strip mines	.55
Production district No. 15:	
Deep mines	.50
Strip mines	.18
Production district No. 16: All mines	.23
Production district No. 17: All mines	.59
Production district No. 18: All mines	1.08
Production district No. 19: All mines	.18
Production district No. 20: All mines	.21
Production district No. 22: All mines	.86
Production district No. 23: All mines	1.09

(e) This Order No. G-35 shall remain in effect in each area covered by a Region VI area pricing order until such area order is amended to reflect the price increase permitted herein and to supersede this Order No. G-35.

(f) Effect of order on Revised Maximum Price Regulation No. 122. Insofar as any provision of this order may be inconsistent with any provision of Revised Maximum Price Regulation No. 122, as amended, the provision contained in this order shall be controlling. Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122, as amended, shall remain in full force and effect.

(g) This order may be amended, modified or revoked at any time.

This order shall be effective as of June 21, 1946.

Issued this 21st day of June 1946.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 46-11724; Filed, July 3, 1946;
11:23 a. m.]

[Region VI Order G-16 Under RMPR 122,
Appendix 42]

SOLID FUELS IN MANITOWOC AND TWO RIVERS, WIS., AREA

(a) *Applicability.* This Appendix No. 42 applies to all delivered sales to consumers of solid fuels made by retail yards where the fuel is delivered to the purchaser within the area in the State of Wisconsin, including the cities of Manitowoc and Two Rivers, Wisconsin and in addition thereto that territory between these cities east of the Chicago & Northwestern Railroad property along the west bank of Lake Michigan.

(b) *Price schedule.* (1) Immediately below and as part of this section (b) is a schedule which sets forth adjusted maximum prices before discounts for delivered sales of solid fuels or specified sizes, kinds, and quantities. All prices are stated on a net ton basis.

(i) On domestic delivered sales of less than one ton the price shall be proportional to the price per ton plus an additional charge of 50¢, but in no event shall the total price be in excess of that for a sale of one ton.

(ii) On domestic delivered sales of more than one ton for each fraction of a ton sold, the price shall be proportional to the price per ton.

PRICE SCHEDULE

	Domestic delivered per ton
I. High volatile bituminous coal from district No. 2 (western Pennsylvania):	
1. Lump	\$9.60
2. Dock run lump	9.10
II. Low volatile bituminous coal from district No. 7 (southwestern West Virginia and northwestern and central Virginia):	
1. Egg	12.60
2. Stove	12.10
3. Nut	11.05
4. Screenings	9.05
(Above prices shall not apply for coal produced by the Raleigh Wyoming Mining Co., Glen Rogers Mine, Mine Index No. 73.)	
III. Low volatile bituminous coal from district No. 8 (eastern Kentucky, southwestern West Virginia, western Virginia, northern Tennessee and North Carolina):	
1. Egg size group No. 2 (all double screened egg coal, top size larger than 3" but not exceeding 3"), price classifications B&C	11.75
2. Stove size group No. 3, (all double screened stove coal, top size larger than 1½ but not exceeding 3"), price classifications D and E	11.15
3. Nut size group No. 4, (all double screened nut coal, top size larger than ¾ but not exceeding 1½") price classifications B through E	10.75
IV. Medium volatile bituminous coal from district No. 8:	
1. Egg, size group No. 5 (all double screened egg coals top size larger than 5" but not exceeding 6" and bottom size larger than 2" but not exceeding 3"; and top size larger than 6" and bottom size 2" and smaller including 6" x 3") price classifications B thru E	11.20
2. Stove, size group No. 8 (all double screened stove coals top size larger than 2" but not exceeding 3" and bottom size 2" and smaller including 3" x 1½") price classification A	10.50
V. High volatile bituminous coal from district No. 8:	
1. Egg:	
(a) Elkhorn and Harlan seams	10.25
(b) Splint seams, including Island Creek, No. 5 Block, Chilton, Winifrede and Coalburg seams	9.90
2. Stove, premium Kentucky coals in price classification A	10.30
3. Stoker:	
(a) Premium Kentucky and Elkhorn seams (rescreened)	10.35
(b) Premium Kentucky and Elkhorn seams (domestic)	9.85
(c) Island Creek seam	9.55
4. Screenings:	
(a) Premium Kentucky and Elkhorn seams	9.10
(b) Dorothy seam	9.00
(c) Island Creek seam	8.90
VI. Pennsylvania Anthracite (ash content not in excess of OPA quality standards):	
1. Egg, stove and nut	16.35
2. Pea	14.65
VII. Low volatile briquettes:	
1. Reiss and United	11.95
VIII. Byproduct coke (Milwaukee Solvay and Racine):	
1. Egg, stove or nut:	
(a) In Two Rivers only	14.60
(b) In Manitowoc	14.85

To the above maximum prices there may be added the Federal Transportation Tax of 4¢ per ton.

(c) *Charge for treatment of coal.* Whenever a dealer has been charged by his supplier for chemical or oil treatment of screenings only he may add such treatment charge to the applicable maximum price established by this appendix: *Provided*, That the treated coal is kept separate from and is not mixed with untreated coal. When a treatment charge is made pursuant to this section, the dealer need not separately state the amount of such service charge if he clearly indicated on the invoice that such coal is so treated.

(d) *Discounts.* The maximum prices set forth in section (b) above shall be subject to the following discounts from the net retail prices.

(i) For coal picked up at the yard by a domestic consumer, 50¢ per ton.

(ii) For yard sales to resellers of the fuels listed below the discounts shall be given:

	Per ton
Coal from districts 7 and 8 and by-product coke	\$2.35
Low volatile briquettes	1.85
Anthracite	1.50

(iii) For commercial sales in load lots, 25¢ per ton.

(iv) To contract users of 40 tons or more per season, 50¢ per ton.

(e) *Additional charges.* Immediately below and as part of this section (e) is a schedule of service charges which a dealer may make for the special services described when rendered in connection with sales of solid fuels covered by this appendix. These charges may be made only if the buyer requests the service and the dealer renders it pursuant to the request. The charges must be stated separately on the dealer's invoice.

SCHEDULE OF SERVICE CHARGES

	Per ton
Carrying or wheeling from curb	\$0.50
Carrying up or downstairs	.50

(f) *Commercial and steam sales.* Commercial and steam sales shall continue to be priced under the provisions of Revised Maximum Price Regulation No. 122.

(g) *Notification.* Every dealer subject to this order selling Pennsylvania Anthracite which has been identified by his supplier prior to its resale as Anthracite with an ash content in excess of OPA quality standards must place the following legend on the invoice, sales slip, or receipt: "Price reduced because of high ash content." Such Anthracite must be kept separate in storage and delivery from all other Anthracite.

(h) *Definitions.* (1) "Domestic sales" means all sales other than sales made to commercial and industrial users such as hotels, industrial plants, office buildings, large department stores and institutional users such as hospitals, public institutions, and public buildings.

(2) "Commercial sales" are of the type excepted in the definition of domestic sales.

(3) The term "delivered" means dumping or chuting the fuel from the seller's trucks directly into the buyer's bin or storage space; but if this is physically impossible, the term means discharging

the fuel directly from the seller's truck at the point nearest and most accessible to the buyer's bin or storage space.

(4) Except as otherwise provided herein or as the context may otherwise require, all terms used in this order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or in the Emergency Price Control Act of 1942, as amended; if not therein defined they shall be given their ordinary and popular trade meaning.

This order, designated as Appendix No. 42, as in the title above, shall be effective June 20, 1946, but it may be amended, modified or revoked at any time.

Issued this 20th day of June 1946.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 46-11757; Filed, July 3, 1946;
11:34 a. m.]

[Region VII Order G-1 Under MPR 592]

CONCRETE BUILDING PRODUCTS IN COLORADO

Order No. G-1 under section 23 of Maximum Price Regulation No. 592. Docket No. 7-592-23-1.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII of the Office of Price Administration by section 23 of Maximum Price Regulation No. 592, Specified construction materials and refractories, it is hereby ordered:

SECTION 1. What this order does. This Order No. G-1, under section 23 of Maximum Price Regulation No. 592, establishes maximum prices for sales by manufacturers of concrete building products manufactured in the State of Colorado.

Sec. 2. Definitions. (a) "Concrete building products" means concrete block, brick or lintels produced from cinder, sand, gravel, lava or other aggregate and made for use as building materials.

Sec. 3. Applicability of other regulations. The maximum prices established by this Order No. G-1 for sales of concrete building products supersede any maximum prices or pricing methods previously established under sections 5, 6, 7, 8, 9, 10, 16 or 17 of Maximum Price Regulation No. 592. Except as otherwise provided herein all transactions subject to this order shall remain subject to the provisions of Maximum Price Regulation No. 592, as amended.

Sec. 4. Authorized maximum prices. Upon and after the effective date of this Order No. G-1, the maximum prices for sales by manufacturers of concrete building products manufactured in the State of Colorado shall be as set forth in Appendix A incorporated herein and made a part of this order.

Sec. 5. Sizes not listed in this order. (a) Any manufacturer producing a size of concrete building products not specifically listed in this order must, within 30 days after the effective date of this order,

or within 30 days of the commencement of such production, file a schedule showing the proposed price thereof, f. o. b. plant, with the Denver District Office of the Office of Price Administration and such price shall be subject to approval, disapproval or revision within 20 days of the date of filing.

(b) The District Director of the Denver District Office of the Office of Price Administration is hereby authorized to approve, disapprove, or revise the requested price for such unlisted size. In the absence of disapproval or revision within the 20 day period, after the date of filing, the requested price if properly filed shall be deemed to have been approved by the District Director subject to later disapproval or revision, but such action shall not apply retroactively. The District Director shall notify the Regional Office of any action taken in accordance with this section.

Sec. 6. Posting of notice regarding inspection. Every manufacturer subject to this order making a sale of concrete building products shall, if requested by the purchaser, make available to the purchaser for inspection a copy of this order. Every such seller shall post in each of his places of business in a manner plainly visible to all purchasers the following notice:

NOTICE

A copy of Order No. G-1 issued under section 23 of Maximum Price Regulation No. 592, establishing maximum prices for sales of concrete building products manufactured in the State of Colorado, will be made available for inspection upon request by purchasers of such products.

Sec. 7. Sales slips and records. (a) Each manufacturer of concrete building products subject to this order who has customarily given his purchasers a sales slip or other evidence of purchase must continue to do so. Upon request from a purchaser such sells, regardless of previous custom, shall give the purchaser a sales slip or other evidence showing the date, name and address of the seller and purchaser, a description of each item sold, and the price charged for each item. If such seller customarily prepared the sales slip or other evidence in more than one copy he must keep, for at least one year after delivery, a duplicate copy of each sales slip or other evidence delivered by him pursuant to this section.

(b) Each manufacturer of concrete building products subject to this order, regardless of previous custom, must keep and retain at his principal place of business records concerning each sale covered by this order showing at least the following:

1. Name and address of purchaser.
2. Date of transaction.
3. Place of delivery.
4. Complete description of each item sold and price charged.

Such records must be made available for inspection by representatives of the Office of Price Administration.

Sec. 8. Delivery additions. In making sales under this order, the seller shall not make an additional charge within the free delivery zone recognized by him during March 1942. For delivery outside such free delivery zone the seller may add the actual charge or cost paid or incurred

by him in making shipment or delivery from his establishment to the buyer. Where no free delivery zone was recognized by a seller in March 1942 he may continue to make the same delivery charges made by him in March 1942. Any seller subject to this order who was not in business in March 1942 shall be governed by the recognized rates charged by competitors for delivery in March 1942 in his community.

Sec. 9. Discounts, allowances, differentials, and services. All cash, quantity and other price discounts, allowances, differentials, and services, at least as great as those extended during March 1942 by each manufacturer of concrete building products subject to this order, shall be continued.

Sec. 10. Maximum prices for resellers. Any reseller purchasing the products subject to this order for resale from any manufacturer who has modified his maximum prices in accordance with the provisions of this order, may increase his maximum prices f. o. b. yard or delivered, established by the General Maximum Price Regulation, by the dollars-and-cents increase in cost resulting from the increase permitted the manufacturer under this order.

Sec. 11. Prohibitions against sales at higher than maximum prices. On and after the effective date of this order, regardless of any contract or other obligation, no manufacturer of concrete building products subject to this order shall sell or offer to sell such products at prices higher than the maximum prices established by this order.

Sec. 12. Evasions. (a) Any practice, scheme or device which results in a higher price to the purchaser of the concrete building products covered by this order shall be deemed a violation of this order and shall subject the seller to all the civil liabilities and the criminal penalties provided by the Emergency Price Control Act of 1942, as amended and extended.

(b) No seller subject to this order shall, as a part of the consideration or as a condition of a sale of any of the concrete building products covered by this order, secretly or otherwise receive, either directly or indirectly, any side payment, commission fee, consideration or other thing of value whatsoever, nor shall the seller, either directly or indirectly, acquire or receive the benefit of any services, transportation agreement, tying agreement or other valuable thing, material or property.

(c) No seller subject to this order shall eliminate or reduce in any form or manner any discounts, allowances, price differentials or services customarily offered or performed as a part of the sales covered by this order, nor shall the seller lower the quality of the products furnished below that called for by the specifications or agreement under which the sale was made.

(d) No seller subject to this order shall by any of the foregoing plans, schemes or devices or by any other plan, scheme or device, receive or acquire or attempt to receive or acquire anything of value, service, valuable right, property or property right, money or other consideration whatsoever in addition to the maximum prices established by this order for the

sale of any of the products, services or other charges covered by this order.

SEC. 13. Less than maximum prices. Prices lower than the maximum prices for sales covered by this order may, of course, be charged and paid.

SEC. 14. Licensing. The provisions of Licensing Order No. 1 licensing all persons who make sales under price control, are applicable to all sellers subject to this order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 15. Revocation or amendment. This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

This Order No. G-1 shall become effective June 20, 1946.

Issued this 19th day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

APPENDIX A

Size	Cinder, sand, or gravel aggregate		Per M, grade B, lava aggregate
	Per M, grade B ¹	Per M, grade C ²	
Concrete blocks:			
3" x 8" x 16"	\$76.25	\$69.50	\$95.00
4" x 8" x 16"	81.50	74.25	98.75
4" x 8" x 8"	40.75	37.12	53.05
4" x 8" x 16" bullnose	120.75	110.15	151.25
4" x 8" x 16" split	89.25	81.50	116.30
4" x 8" x 8" bullnose	68.25	62.25	88.95
4" x 8" x 12 solid	81.50	74.25	126.25
4" x 8" x 16" solid	105.00	95.75	133.75
6" x 8" x 16"	116.25	106.00	150.00
6" x 8" x 8"	58.25	53.25	76.05
6" x 8" x 14" corner	116.25	106.00	151.55
6" x 8" x 16" joist	116.25	106.00	151.55
6" x 8" x 8" joist	58.25	53.25	75.95
8" x 8" x 16"	150.00	136.50	195.00
8" x 8" x 8"	74.75	68.25	97.50
8" x 8" x 16" SE corner	150.00	136.50	215.00
8" x 8" x 8" sash	74.75	68.25	107.50
8" x 8" x 16" sash	150.00	136.50	215.00
8" x 8" x 16" bullnose SE	202.25	184.50	235.00
8" x 8" x 16" bullnose both ends	202.25	184.50	235.00
8" x 8" x 16" bullnose sash	202.25	184.50	235.00
8" x 8" x 8" bullnose SE	111.50	101.75	117.50
8" x 8" x 8" bullnose sash	111.50	101.75	117.50
8" x 8" x 16" joist	202.25	184.50	235.00
8" x 8" x 8" joist	111.50	101.75	117.50
12" x 8" x 16"	207.50	189.25	276.25
12" x 8" x 8"	103.75	92.00	138.15
12" x 8" x 16" SE corner	207.50	189.25	276.25
Concrete brick 2 1/4" x 3 3/4" x 8"	19.00	17.75	23.75
	Per lin. ft.	Per lin. ft.	Per lin. ft.
Lintels 4" x 8", any length	\$0.25	\$0.235	\$0.335

¹ A grade-B hollow block shall meet the following minimum requirements: A minimum compressive strength of 600 pounds p.s.i. for an individual block and 700 pounds p.s.i. for an average of 5 blocks and otherwise meet the minimum standards set forth in the American Society for Testing Material Standards, C-90-44 for Hollow Load Bearing Concrete Masonry Units.

A grade-B solid block shall meet the following minimum requirements: A minimum strength of 1,000 pounds p.s.i. for an individual block and 1,200 pounds p.s.i. for an average of 5 blocks and otherwise meet the requirements of the American Society for Testing Materials Standards, C-145-40 Solid Load Bearing Concrete Masonry Units.

² A hollow block which does not meet the specifications of grade B, shall be considered a grade C but such block shall have a compressive strength of 300 pounds p.s.i. for an individual block and 350 pounds p.s.i. for an average of 5 blocks and otherwise meet the requirements of the American Society for Testing Material Standards,

C-129-30 for Hollow Non-load Bearing Concrete Masonry Units.

A solid block which does not meet the specifications of grade B shall be considered grade C.

All prices are f.o.b. plant or within the free delivery zone.

[F R. Doc. 46-11732; Filed, July 3, 1946; 11:24 a. m.]

[Region VII Rev. Order G-12 Under RMPR 251]

PLUMBING SERVICES AND SALES OF INSTALLED PLUMBING MATERIALS AND EQUIPMENT IN NEW MEXICO

Revised Order No. G-12 under Revised Maximum Price Regulation No. 251, Construction services and sales of installed building materials. Docket No. 7-251-9-16, Rev.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Regional Administrator of Region VII of the Office of Price Administration by sections 9 and 20 of Revised Maximum Price Regulation No. 251 it is ordered:

SECTION 1. What this order does. (a) This order fixes maximum prices for plumbing services and sales of installed plumbing materials and equipment and certain other permitted charges by any person, hereinafter called the seller, to any person, hereinafter called the purchaser, in connection with a residential building, at a fixed site in the State of New Mexico.

(b) **Definitions.** As used in this order, the term:

(1) "Plumbing" means water, steam, gas, and oil distribution and waste removal systems in a residential building at a fixed site.

(2) "Plumbing services" means the services required to install, alter, repair, maintain or remove plumbing materials or equipment in or from a residential building at a fixed site but not including the cleaning of cesspools, grease traps, and septic tanks which services are covered by Maximum Price Regulation No. 165.

(3) "Sales of installed plumbing materials and equipment" means a transaction in which the seller furnishes plumbing materials and equipment, together with the services required to incorporate such materials or equipment in a residential building at a fixed site.

(4) "Residential building" means any building or part thereof used entirely or principally for living or dwelling purposes (including houses, apartments, hotels, and all other properties used for living or dwelling purposes), and all other buildings or structures in connection therewith or adjacent thereto at the same site, such as garages, barns, milk houses, sheds, granaries, and other out-buildings.

(5) "Maximum labor charge" means the amount charged for labor of a specified type or class for plumbing services, made either at a flat rate per hour so as to include a margin for administrative and over-head costs and profit, or as a percentage of the seller's labor cost, which resulting maximum labor charge is also deemed to include a margin for administrative and over-head costs and profit.

(6) "Labor cost" means the seller's actual labor cost based on the wage rates in effect on October 3, 1942 for the same class of laborers, or the seller's actual labor cost based on the wage rates which have been subsequently approved by a Federal wage or stabilization agency. Additional payments for Federal old-age benefits, unemployment compensation taxes, workmen's compensation and public liability insurance shall be regarded as being part of such labor cost.

(7) "Master plumber" means any skilled person who, as owner or supervisor, renders plumbing services or who is licensed as such if any applicable municipal ordinance so requires.

(8) "Journeyman plumber" means any skilled person who renders plumbing services or who is licensed as such if any applicable municipal ordinance so requires.

(9) "Apprentice plumber" means any person other than a master plumber or a journeyman plumber, who pursuant to an apprenticeship agreement, is engaged in learning the plumbing trade and who as his principal occupation renders plumbing services; and

(10) "Helper", or "common laborer" means any person other than a master plumber, journeyman plumber or apprentice plumber who renders plumbing services.

SEC. 2. Geographical applicability. This Revised Order No. G-12 applies only to the State of New Mexico.

SEC. 3. Relationship of this order to Revised Maximum Price Regulation No. 251. This order supersedes sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 with respect to services and sales covered by this order and any maximum prices heretofore approved therefor by the Regional Administrator of Region VII or by the New Mexico District Director under section 6 (b) or sections 8 and 9 of Revised Maximum Price Regulation No. 251 are hereby terminated and superseded by this order. All other sections of Revised Maximum Price Regulation No. 251, together with all amendments thereto that have been or may be issued shall, except to the extent they are inconsistent with the provisions of this order, apply to all sales and services covered by this order.

SEC. 4. Maximum prices of plumbing services and sales of installed plumbing materials and equipment and other permitted charges. The maximum prices for plumbing services covered by this order shall be a maximum labor charge based on the hourly wage rates as set forth in sub-section I of this section, and the maximum prices for sales of installed plumbing materials and equipment covered by this order shall be the sum of the plumbing services involved and the maximum prices of the plumbing materials and equipment and certain other permitted charges as set forth in sub-section II of this section.

I. Maximum labor charges for plumbing services. (1) The maximum labor charges per hour straight time for plumbing services covered by this order, performed by master plumbers, journeyman plumbers, apprentice plumbers, helpers, common laborers, and others shall be the rates shown in Column B for

the amount of labor cost (wages paid) shown in Column A.

MAXIMUM LABOR CHARGE PER HOUR
STRAIGHT TIME

Column A	Column B Maximum labor charge per hour straight time
Labor cost per hour:	
\$1.00 or less	(1)
\$1.01 to \$1.04	\$1.55
\$1.05 to \$1.09	1.60
\$1.10 to \$1.14	1.70
\$1.15 to \$1.19	1.75
\$1.20 to \$1.24	1.85
\$1.25 to \$1.29	1.90
\$1.30 to \$1.34	2.00
\$1.35 to \$1.39	2.05
\$1.40 to \$1.44	2.15
\$1.45 to \$1.49	2.20
\$1.50 to \$1.54	2.30
\$1.55 to \$1.59	2.35
\$1.60 to \$1.64	2.45
\$1.65 to \$1.69	2.50
\$1.70 to \$1.74	2.60
\$1.75 to \$1.79	2.65
\$1.80 to \$1.84	2.75
\$1.85 to \$1.89	2.80
\$1.90 to \$1.94	2.90
\$1.95 to \$1.99	2.95
\$2.00 to \$2.04	3.05
\$2.05 to \$2.09	3.10
\$2.10 to \$2.14	3.20
\$2.15 to \$2.19	3.25
\$2.20 to \$2.24	3.35
\$2.25 to \$2.29	3.40
\$2.30 to \$2.34	3.50
\$2.35 to \$2.39	3.55
\$2.40 to \$2.44	3.65
\$2.45 to \$2.50	3.70
\$2.51 or over	(1)

¹ 150% of actual labor cost.

(2) *Measurement of hours.* The number of hours which may be charged against any plumbing job consuming one day or less shall be counted from the time the workman leaves the seller's shop or the previous plumbing job (whichever time is later) until he completes the job or proceeds to another job or until he returns to the seller's shop if he proceeds there directly. Whenever any job extends into more than one day, the time in transit to or from the job may be charged only once per day. The hours for which charges are made shall not exceed those shown in the records which the seller is required to keep under section 9 of this order.

(3) *Overtime.* (a) When work is performed at the purchaser's request after 12:01 p. m. on Saturday and between the hours of 5 p. m. and 8 a. m. of any day except Sunday, legal holidays, and on emergency night calls, the maximum labor charge per hour for work during such hours may not be in excess of 150% of the straight time rate authorized in this order.

(b) Where work is performed at the purchaser's request on Sundays, legal holidays designated by the laws of the State, and emergency night calls, the maximum labor charge may not be in excess of 200% of the straight time rate authorized by this order.

(4) *Minimum charges.* If a plumbing job requires less than one man hour the maximum labor charge may be for one man hour. If any plumbing job takes only three hours or less of any class of labor for completion of a job, a separate charge of not more than 25¢ may be made for the use of an employer's motor vehicle in going to and from the job.

(5) *Self-employed plumber.* A self-employed plumber who performs plumbing

services himself, either alone or with his employees, may charge for his services not more than the hourly rate charged by him as of the effective date of this revised order but not in excess of the maximum labor charge which would be permissible to be charged for the services of a journeyman plumber in the local area where the services are being performed.

(6) *Maximum labor charges for combination work.* The maximum labor charge for any combination of master plumber, journeyman plumber, apprentice plumber, helper, common laborer, or other employee may not exceed the total of the maximum hourly rates of each of the types or classes of labor for which maximum charges are provided in this order.

II. *Maximum prices of plumbing materials and equipment and other permitted charges.* (1) The maximum prices which may be charged by any seller of plumbing materials and equipment, which for the purposes of this order also include all items known as plumbing fixtures and specialties, shall not be in excess of the seller's cost plus the percentage herein specified. The seller's cost of materials and equipment shall be deemed to be the wholesale net price lawfully charged the plumbing trade for limited quantities of such materials and equipment by established wholesale plumbing supply firms nearest his place of business, based on their published price lists, together with the actual transportation charges paid therefor by the seller but not in excess of the common carrier rate from the nearest point of supply. If the materials and equipment being sold are marked by a manufacturer's label containing the approved OPA retail ceiling price for sales of the commodity by a seller, a seller of such materials and equipment under this order may charge the price marked on the label in lieu of the stated percentage markup herein specified but in no event may the seller charge more than the price marked on the label.

PERCENTAGE MARKUPS ON SALES OF INSTALLED PLUMBING MATERIALS AND EQUIPMENT

	Plumbing jobs of \$350 or less	Plumbing jobs of more than \$350 and not over \$750
(a) Plumbing equipment and fixtures including all items such as bath tubs, lavatories, water closets, kitchen and wash sinks, laundry tubs and other such items, except water heating equipment.	Percent 40	Percent 33 1/3
(b) Water heating equipment, including hot water tanks, electric, gas, and oil burning automatic, semi-automatic or manually operated water heaters.	50	40
(c) Plumbing materials and specialties including all items used in repairing or installing plumbing equipment or fixtures or water heating equipment such as pipe, pipe fittings, valves, hangers, lead and similar materials and specialties.	50	45

¹ On plumbing jobs of \$350 or less, whenever the unit cost of any plumbing materials or specialties (including pipe nipples in lengths of 12 inches or less) is not more than \$1.00, a markup of not to exceed 100% may be made but this permitted markup shall not apply to pipe made of copper, steel, brass, lead, wrought iron or cast iron, clay or asbestos cement, or to cast iron soil pipe or soil pipe fittings.

(2) *Sub-contracted work.* Where work such as drain laying, excavating, pipe covering, sheet metal ducts, and similar work is sub-contracted by a seller under this order, the seller may charge the purchaser the cost of such sub-contracted work plus a markup of not more than 10% but the charge to the purchaser may not exceed the price which the seller may lawfully charge if he had done the work himself.

(3) *Power driven and other special plumbing equipment.* If, during March, 1942, the seller made an extra charge for the use of power driven and other special plumbing equipment, but not including the motor vehicle in which the equipment is transported, the maximum prices per hour for such use upon and after the effective date of this order shall not be in excess of the highest price per hour he charged therefor or other maximum charges during March, 1942. If the seller acquired such power driven and other special plumbing equipment after March 1942 but prior to the effective date of this order and thereafter established maximum prices per hour or other maximum charges for such uses under the applicable maximum price regulation, he may continue to charge such established prices. In either case, the seller must have records available to substantiate the charging of such prices and such prices must be filed with the District Office of the Office of Price Administration pursuant to section 10 of this order. If a seller commences the use of power driven and other special plumbing equipment after the effective date of this order he shall establish his maximum hourly prices therefor or other maximum charges under the applicable maximum price regulation and file such prices with the District Office within 10 days.

(4) *Out of town travel expense.* A seller who furnishes men on an out of town plumbing job covered by this order shall be reimbursed to the extent of the amount he shall have to pay for travel expense at not to exceed 5¢ per mile for travel beyond the city limits and subsistence where the job necessitates the men being away from their homes. This item shall be explained to the purchaser prior to commencing the job and shall be invoiced separately. Travel expenses and subsistence may not be collected unless the seller actually pays the employee therefor.

(5) *Transportation.* If a seller uses his truck to transport materials, equipment, and men to and from a job beyond the city limits he may charge not more than 10¢ per mile to and from the job for such travel and similarly if other means of transportation are used.

(6) *Charges for permits.* Whenever a seller subject to this order is required to pay a permit fee to a municipal or other authority with respect to services or installations under this order he may make an additional charge to the purchaser in an amount not more than the actual fee paid to the municipal or other authority.

SEC. 5. *Maximum prices of plumbing services and sales of installed plumbing materials and equipment in excess of \$750.00.* The maximum prices of plumbing services and sales of installed plumbing materials and equipment for plumbing

ing jobs in excess of \$750.00 shall be calculated under section 7 of Revised Maximum Price Regulation No. 251.

SEC. 6. Guaranteed price. A seller may offer to sell a plumbing job covered by this order on the basis of a guaranteed price but such guaranteed price shall not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order: *Provided, however,* That if the guaranteed price is offered with respect to a plumbing job of \$350.00 or less then the guaranteed price shall not be more than 10% higher than the maximum price figured in accordance with the pricing methods and requirements of this order.

SEC. 7. Related and incidental construction work. If on any plumbing job any installed building materials are furnished or any construction services are performed by the seller for which maximum prices are not fixed by this order, such materials and services shall be separately priced and billed on all invoices and sales slips. The maximum prices for such related and incidental work shall be determined under Revised Maximum Price Regulation No. 251 or as fixed by any applicable area pricing order issued by the Regional Administrator of Region VII.

SEC. 8. Notification—(a) Furnishing of statements. Each seller making a sale covered by this order shall, upon completion of the work, furnish to the purchaser a statement and keep a copy thereof at his principal place of business showing the following:

- (1) The names and addresses of the seller and purchaser.
- (2) The location of the job.
- (3) The date the job was completed.
- (4) A description of the work performed and the total charged for the job, including plumbing services and sales of installed plumbing materials and equipment and other permitted charges, and a separate statement of the related and incidental construction work performed as provided in section 7 of this order.

(b) *Furnishing of further statements upon request.* If requested by the purchaser, the seller shall furnish the purchaser an itemized statement showing the information contained in subparagraphs (1), (2), and (3) of paragraph (a) of this section, together with an itemized statement showing the maximum labor charges for plumbing services for each type or class of labor performed and the hourly rates charged therefor, together with an itemized statement of the installed plumbing materials and equipment, and other permitted charges, and the quantities and prices of each, and a separate itemized statement of any related and incidental construction work performed, as provided in section 7 of this order. A copy of any such statements so furnished shall be kept by the seller at his principal place of business.

(c) *Order available for inspection.* Each seller making a sale covered by this order, if requested by the purchaser shall make available to the purchaser a copy of this order and a copy of Revised Maximum Price Regulation No. 251. Copies for this purpose may be obtained from

the office of the Regional Administrator or from the District Office of the Office of Price Administration.

SEC. 9. Records. Each seller must keep and retain at his principal place of business so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records concerning each sale covered by this order showing the following:

- (1) The name and address of the purchaser.
- (2) The location of the job.
- (3) A copy of any and all contracts pertaining to each sale.
- (4) The time the job was commenced and completed.
- (5) A description of the plumbing services and installed plumbing materials and equipment involved, and other permitted charges, and the quantities and prices of each.
- (6) The hours worked and labor charges by types and classes of labor.
- (7) A separate itemized statement of any related and incidental construction work and the prices charged for such work.

SEC. 10. Filing and reporting of maximum prices. (a) Each seller subject to this order shall within 30 days after the effective date of this order, or within 10 days after any increase in labor cost is put into effect, or in the case of new sellers within 10 days after first entering business, file with the Albuquerque District Office of the Office of Price Administration the following information:

- (1) The "maximum labor charge" as that term is defined in section 1 (b) (5) of this order in terms of the straight time hourly rate to be charged the purchaser for plumbing services covered by this order for each class of workmen employed by him.
- (2) The "labor cost" as that term is defined in section 1 (b) (6) of this order in terms of the straight time hourly rate applicable to each class of workmen employed by the seller.
- (3) A statement that the prices charged by the seller for the sale of installed plumbing materials and equipment and the other permitted charges covered by this order will not exceed the maximum percentage markups and other charges permitted by section 4 of this order, and a statement that the maximum charge to the purchaser for plumbing services sub-contracted by the seller will not exceed the maximum price which the seller may lawfully charge under this order if he had rendered the services directly.

(4) A description and list of all power driven and other special plumbing equipment and the maximum hourly charges therefor which were in effect in March 1942 or which were thereafter established pursuant to the applicable maximum price regulation.

(5) The hourly rate charged by a self-employed plumber as of the effective date of this order pursuant to section 4 I (5) of this order or in the case of a new self-employed plumber the proposed hourly rate to be charged but not in excess of the maximum charge which would be permissible to be charged for the services of a journeyman plumber in the local area where the services are performed or are to be performed.

(b) Whenever a new seller files the information required by this section, the District Director may by order approve, disapprove or revise any maximum prices proposed so as to make it in line with the level of maximum prices established by this order. If the District Director fails to act within 20 days after the date of filing, the proposed prices shall be deemed to be in effect.

(c) If a seller subject to Order No. G-12, Plumbing services and sales of installed plumbing materials and equipment in the State of New Mexico issued December 12, 1945 and effective December 21, 1945, has complied with the provisions of section 10 (1) and (2) of that order and the same maximum labor charges and labor costs except for slight variances in the table given in section 4 II (1), of this order, are in effect as of the effective date of this Revised Order No. G-12, it shall be unnecessary for the seller to re-file or report under the provisions of this section. Each seller shall, however, comply with the provisions of this section with respect to its other filing and reporting provisions and also if there have been any changes in his maximum labor charges and labor costs not heretofore filed and reported to the Cheyenne Office.

SEC. 11. Prohibitions against sales at higher than maximum prices. On and after the effective date of this order, regardless of any contract or other obligation, no person shall sell or offer to sell plumbing services or plumbing materials and equipment on an installed basis, or both, covered by this order at higher prices than the maximum prices established by this order: *Provided,* That plumbing services performed or installations made not more than 30 days after the effective date of this order on bona fide contracts executed prior to the effective date of this order shall not be considered to be violations of this order.

SEC. 12. Evasions. (a) Any practice, scheme or device which results in a higher price to the purchaser of plumbing services or installed plumbing materials and equipment than is permitted by this order shall be deemed a violation of this order and subjects the seller to all the civil liabilities and the criminal penalties provided by the Emergency Price Control Act of 1942 as amended and extended.

(b) No seller shall as a part of the consideration or as a condition of a sale of any of the plumbing services or installed plumbing materials and equipment covered by this order, secretly or otherwise receive, either directly or indirectly any side payment, commission, fee, consideration or other thing of value whatsoever nor shall the seller, either directly or indirectly acquire or receive in addition to the maximum prices established by this order the benefit of any services, transportation agreements, tying agreements, or other valuable thing, materials or property.

(c) No seller shall eliminate or reduce in any form or manner any maintenance or repair service customarily offered or performed as a part of plumbing services or installed plumbing materials and equipment nor shall the seller lower the

quality of the materials and equipment below that called for by the specifications or agreement.

(d) No seller shall by any of the foregoing plans, schemes or devices, or by any other plan, scheme or device, receive or acquire or attempt to receive or acquire anything of value, service, valuable right, property or property right, money or other consideration whatsoever in addition to the maximum prices established in this order for the sale of any plumbing services or installed plumbing materials and equipment.

SEC. 13. *Less than maximum prices.* Prices lower than the maximum prices for sales covered by this order may, of course, be charged and paid.

SEC. 14. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 15. *Revocation of Order No. G-12.* Order No. G-12, Plumbing services and sales of installed plumbing materials and equipment in the State of New Mexico, issued December 12, 1945 and effective December 21, 1945, is hereby revoked.

SEC. 16. *Revocation or amendment.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

This Revised Order No. G-12 shall become effective June 19, 1946.

Issued this 19th day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

[F. R. Doc. 46-11738; Filed, July 3, 1946; 11:27 a. m.]

[Region VII Order G-2 and Orders G-6 to G-28 Under Gen. Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS IN DENVER REGION

Order No. G-2 and Orders No. G-6 to G-28, both inclusive, under General Order 68, Amendment No. 1. Docket No. 7-GO-68-2, 6 through 28a.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region VII, pursuant to the provisions of General Order 68, Order No. G-2 and Orders No. G-6 to G-28, both inclusive, under General Order 68, are amended in the following respects:

(1) Upon and after the effective date of this Amendment No. 1 to Order No. G-2 and Orders No. G-6 to G-28, both inclusive, under General Order 68, the maximum prices established therein for the retail sales of the specified building and construction materials covered by said orders as set forth in the tables annexed to and incorporated therein may

be increased or added to as follows, and said price tables are hereby amended accordingly:

(a) The maximum prices established in Table II, annexed to and incorporated in Order No. G-2 and Orders No. G-6 to G-28, both inclusive, under General Order 68 may be increased as follows:

TABLE II—LATHE: GYPSUM AND METAL: CORNER BEADS AND EXPANSION CASING

Item and unit	
Lath:	
Metal lath, flat diamond mesh:	Increase
2.5-lb. painted, sq. yd.	\$0.02
3.4-lb. painted, sq. yd.	.04
3.4-lb. galvanized, sq. yd.	.04
Metal lath, flat rib:	
2.75-lb. painted, sq. yd.	.02
3.4-lb. painted, sq. yd.	.04
Metal, high rib:	
3.4 $\frac{1}{2}$ " painted, sq. yd.	.04
4.0 $\frac{1}{2}$ " painted, sq. yd.	.04
Corner bead:	
Expanded type, M lin. ft.	2.00
Flat apron, M lin. ft.	2.00
$\frac{3}{4}$ " bull nose plain, M lin. ft.	2.00
All expansion casing: $\frac{1}{4}$ " round (bull nose, O. G. or square edge), M lin. ft.	2.00
Corner lath:	
2" x 2", M lin. ft.	1.00
3" x 3", M lin. ft.	1.00

(b) The maximum prices established in Table III annexed to and incorporated in Order G-2 and Orders No. G-6 to G-24, both inclusive, under General Order 68 may be increased as follows:

TABLE III—INSULATION MATERIALS, WALL BOARDS AND BUILDING PAPER

Item and unit	
Insulation board ext. type $\frac{25}{32}$ " ext.	
sheathing, per M sq. ft.	\$4.00

This increase was included in Orders No. G-25, G-26, G-27 and G-28 and, therefore may not be taken again in areas covered by those area pricing orders.

(c) The maximum prices established in Table IV annexed to and incorporated in Orders G-21, 22, 23, 24, 26, 27, and 28 Under General Order 68 may be increased as follows:

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING

Item and unit	
Felt:	
Asphalt and tarred:	Increase
15-lb., 36" wide, 324 sq. ft., per roll	\$0.05
20-lb., 36" wide, 300 sq. ft., per roll	.05
30-lb., 36" wide, 216 sq. ft., per roll	.05
Roll roofing:	
Smooth surfaced:	
35-lb., per roll	.05
45-lb., per roll	.05
55-lb., per roll	.05
65-lb., per roll	.05
75-lb., per roll	.05
77-lb., per roll	.05
65-lb., aluminized, per roll	.05
Mineral surfaced:	
90-lb., per roll	.05
Split roll, 105-lb., diamond point, per roll	.05
Shingles:	
Composition shingles: standard individual, 250 lbs., per sq.	.15
Asphalt shingles:	
Hex. 2 or 3 tab, 167 lbs., per sq.	.10
Thick butt, 210 lbs., per sq.	.10
Asbestos shingles:	
16 x 16 Hex. Green, per sq.	1.20
16 x 16 Hex. standard colors, per sq.	1.15

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING—Continued

Item and unit	
Shingles—Continued.	
Asbestos shingles—Continued.	Increase
16 x 16 Dutch lap standard colors, per sq.	\$1.20
16 x 16 Dutch lap green, per sq.	1.25
Gray 260 to 290 lbs., per sq.	1.20
Standard colors 260 to 290 lbs., per sq.	.95
Green 260 to 290 lbs., per sq.	1.00
Siding, Asbestos Cement, 12 x 24 or 12 x 27:	
Standard Surf., standard colors (white or buff), per sq.	.35
Hard Surf. (Glatex) (green or brown), per sq.	.40
Hard Surf. (Glatex) (white), per sq.	.40

(d) The maximum prices established in Table IV annexed to and incorporated in Order No. G-2 and Orders G-6 to G-20, both inclusive, and Order G-25, under General Order 68, may be increased as follows:

TABLE IV—ROOFING MATERIALS AND ASBESTOS SIDING

Item and unit	
Felt:	
Asphalt and tarred:	Increase
15-lb., 36" wide, 324 sq. ft., per roll	\$0.15
15-lb., 36" wide, 432 sq. ft., per roll	.20
15-lb., 36" wide, 216 sq. ft., per roll	.10
30-lb., 36" wide, 216 sq. ft., per roll	.20
Roll roofing:	
Smooth surfaced, 1st grade:	
35 lbs., per roll	.05
45 lbs., per roll	.05
55 lbs., per roll	.05
65 lbs., per roll	.05
75 lbs., per roll	.05
77 lbs., per roll	.05
Mineral surfaced:	
90 lbs., per roll	.20
Split roll, 105 lbs., diamond point, per roll	.10
Shingles:	
Composition shingles: standard individual, 250 lbs., per sq.	.25
Asphalt shingles:	
Hex. 2 or 3 tab, 167 lbs., per sq.	.15
Thick butt, 210 lbs., per sq.	.20
Asbestos shingles:	
16 x 16 hex., standard colors, per sq.	.90
16 x 16 hex., green, per sq.	.95
16 x 16 hex., gray, per sq.	.90
16 x 16 Dutch lap, gray, per sq.	.95
16 x 16 Dutch lap, standard colors, per sq.	.95
16 x 16 Dutch lap, green, per sq.	1.00
Standard colors, 260 to 290 lbs., per sq.	1.30
Green 260 to 290 lbs., per sq.	1.30
Siding, asbestos cement, 12 x 24 or 12 x 27:	
Standard surf., standard colors (white or buff), per sq.	.30
Hard surf. (Glatex):	
Green or brown, per sq.	.35
White, per sq.	.35

(e) To the maximum retail selling prices established in Table V of Order No. G-2 and Orders No. G-6 to G-28, both inclusive, under General Order 68, there is hereby established maximum retail prices for a new item as follows:

TABLE V—METAL PRODUCTS (Addition of a new item)

Item and unit	
Ash pit doors:	
Welded angle:	Increase
8" x 8", each	\$1.25
10" x 12", each	2.00

(2) In the event any item listed in the tables set forth in subparagraphs (a), (b), (c), (d) and (e) of paragraph (1) of this amendment is not listed in the respective table of the order amended, the increases listed shall be disregarded and the reseller of any such items may increase his maximum prices, established by the General Maximum Price Regulation, by the actual dollars-and-cents increases in cost resulting from the increases permitted manufacturers of such items by the applicable regulation.

(3) The following are the area pricing orders under General Order 68 which are amended to include the provisions set forth in paragraph (1) of the amendment:

Area Pricing Order Number, and Area

G-2	Denver, Colo.
G-6	El Paso County, Colo.
G-7	Pueblo County, Colo.
G-8	Laramie County, Wyo.
G-9	Albany County, Wyo.
G-10	Casper, Wyo.
G-11	Boulder County, Colo.
G-12	Helena, Mont.
G-13	Great Falls, Mont.
G-14	Billings, Mont.
G-15	Albuquerque, N. M.
G-16	Roswell, N. M.
G-17	Santa Fe, N. M.
G-18	Morgan and Logan Counties, Colo.
G-19	Sedgwick, Phillips, Yuma and Washington Counties, Colo.
G-20	Cheyenne, Kit Carson, and Lincoln Counties, Colo.
G-21	Boise, Idaho.
G-22	Twin Falls, Idaho.
G-23	Ogden, Utah.
G-24	Salt Lake City, Utah.
G-25	Greeley, Fort Collins, Colo.
G-26	Provo, Utah.
G-27	Pocatello, Idaho.
G-28	Idaho Falls, Idaho.

¹Includes increase on 25/32" Exterior Sheathing, effective May 3, 1946.

This amendment to the respective orders shall be effective June 10, 1946.

Issued this 21st day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

[F. R. Doc. 46-11750; Filed, July 3, 1946; 11:32 a. m.]

[Region VII Rev. Order G-13 Under RMPR 251]

PLUMBING SERVICES AND SALES OF INSTALLED PLUMBING MATERIALS AND EQUIPMENT IN SALT LAKE CITY, UTAH, DISTRICT

Revised Order No. G-13 Under Revised Maximum Price Regulation No. 251, construction services and sales of installed building materials. Docket No. 7,251-9-15 Rev.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Regional Administrator of Region VII of the Office of Price Administration by sections 9 and 20 of Revised Maximum Price Regulation No. 251, it is ordered:

SECTION 1. What this order does. (a) This order fixes maximum prices for plumbing services and sales of installed plumbing materials and equipment and

certain other permitted charges by any person, hereinafter called the seller, to any person, hereinafter called the purchaser, in connection with a residential building at a fixed site in the Salt Lake City District.

(b) *Definitions.* As used in this order, the term:

(1) "Plumbing" means water, steam, gas, and oil distribution and waste removal systems in a residential building at a fixed site.

(2) "Plumbing services" means the services required to install, alter, repair, maintain or remove plumbing materials or equipment in or from a residential building at a fixed site but not including the cleaning of cesspools, grease traps, and septic tanks which services are covered by Maximum Price Regulation No. 165.

(3) "Sales of installed plumbing materials and equipment" means a transaction in which the seller furnishes plumbing materials and equipment, together with the services required to incorporate such materials or equipment in a residential building at a fixed site.

(4) "Residential building" means any building or part thereof used entirely or principally for living or dwelling purposes (including houses, apartments, hotels, and all other properties used for living or dwelling purposes), and all other buildings or structures in connection therewith or adjacent thereto at the same site, such as garages, barns, milk houses, sheds, granaries, and other out-buildings.

(5) "Maximum labor charge" means the amount charged for labor of a specified type or class for plumbing services, made either at a flat rate per hour so as to include a margin for administrative and over-head costs and profit, or as a percentage of the seller's labor cost, which resulting maximum labor charge is also deemed to include a margin for administrative and over-head costs and profit.

(6) "Labor cost" means the seller's actual labor cost based on the wage rates in effect on October 3, 1942 for the same class of laborers, or the seller's actual labor cost based on the wage rates which have been subsequently approved by a Federal wage or stabilization agency. Additional payments for Federal old-age benefits, unemployment compensation taxes, workmen's compensation and public liability insurance shall be regarded as being part of such labor cost.

(7) "Master plumber" means any skilled person who, as owner or supervisor, renders plumbing services or who is licensed as such if any applicable state law or municipal ordinance so requires.

(8) "Journeyman plumbers" means any skilled person who renders plumbing services or who is licensed as such if any applicable state law or municipal ordinance so requires.

(9) "Apprentice plumber" means any person, other than a master plumber or a journeyman plumber, who pursuant to an apprenticeship agreement, is engaged in learning the plumbing trade and who as his principal occupation renders plumbing services; and

(10) "Helper", or "common laborer" means any person other than a master

plumber, journeyman plumber or apprentice plumber who renders plumbing services.

SEC. 2. Geographical applicability. This Revised Order No. G-13 applies only to the Salt Lake City District which includes all counties in the State of Utah and the north 5% of Coconino County, Arizona, the north 5% of Mohave County, Arizona, and all of Franklin County, Idaho.

SEC. 3. Relationship of this order to Revised Maximum Price Regulation No. 251. This order supersedes sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 with respect to services and sales covered by this order and any maximum prices heretofore approved therefor by the Regional Administrator of Region VII or by the Salt Lake City District Director under section 6 (b) or sections 8 and 9 of Revised Maximum Price Regulation No. 251 are hereby terminated and superseded by this order. All other sections of Revised Maximum Price Regulation No. 251, together with all amendments thereto that have been or may be issued shall, except to the extent they are inconsistent with the provisions of this order, apply to all sales and services covered by this order.

SEC. 4. Maximum prices of plumbing services and sales of installed plumbing materials and equipment and other permitted charges. The maximum prices for plumbing services covered by this order shall be a maximum labor charge based on the hourly wage rates as set forth in sub-section I of this section, and the maximum prices for sales of installed plumbing materials and equipment covered by this order shall be the sum of the plumbing services involved and the maximum prices of the plumbing materials and equipment and certain other permitted charges as set forth in sub-section II of this section.

I. Maximum labor charges for plumbing services. (1) The maximum labor charges per hour straight time for plumbing services covered by this order, performed by master plumbers, journeymen plumbers, apprentice plumbers, helpers, common laborers, and others shall be the rates shown in Column B for the amount of labor cost (wages paid) shown in Column A.

MAXIMUM LABOR CHARGES PER HOUR STRAIGHT TIME

Column A	Column B
Labor cost per hour:	Maximum labor charge per hour straight time
\$1.00 or less	(¹)
\$1.01 to \$1.04	\$1.55
\$1.05 to \$1.09	1.60
\$1.10 to \$1.14	1.70
\$1.15 to \$1.19	1.75
\$1.20 to \$1.24	1.85
\$1.25 to \$1.29	1.90
\$1.30 to \$1.34	2.00
\$1.35 to \$1.39	2.05
\$1.40 to \$1.44	2.15
\$1.45 to \$1.49	2.20
\$1.50 to \$1.54	2.30
\$1.55 to \$1.59	2.35
\$1.60 to \$1.64	2.45
\$1.65 to \$1.69	2.50
\$1.70 to \$1.74	2.60
\$1.75 to \$1.79	2.65
\$1.80 to \$1.84	2.75

MAXIMUM LABOR CHARGES PER HOUR STRAIGHT TIME—Continued

Column A	Column B
Labor cost per hour:	Maximum labor charge per hour straight time
\$1.85 to \$1.89	\$2.80
\$1.90 to \$1.94	2.90
\$1.95 to \$1.99	2.95
\$2.00 to \$2.04	3.05
\$2.05 to \$2.09	3.10
\$2.10 to \$2.14	3.20
\$2.15 to \$2.19	3.25
\$2.20 to \$2.24	3.35
\$2.25 to \$2.29	3.40
\$2.30 to \$2.34	3.50
\$2.35 to \$2.39	3.55
\$2.40 to \$2.44	3.65
\$2.45 to \$2.50	3.70
\$2.51 or over	(¹)

¹ 150% of actual labor cost.

(2) *Measurement of hours.* The number of hours which may be charged against any plumbing job consuming one day or less shall be counted from the time the workman leaves the seller's shop or the previous plumbing job (whichever time is later) until he completes the job or proceeds to another job or until he returns to the seller's shop if he proceeds there directly. Whenever any job extends into more than one day, the time in transit to or from the job may be charged only once per day. The hours for which charges are made shall not exceed those shown in the records which the seller is required to keep under section 9 of this order.

(3) *Overtime.* (a) When work is performed at the purchaser's request after 12:01 p. m. on Saturday and between the hours of 5 p. m. and 8 a. m. of any other day except Sundays, legal holidays, and on emergency night calls, the maximum labor charge per hour for work during such hours may not be in excess of 150% of the straight time rate authorized in this order.

(b) Where work is performed at the purchaser's request on Sundays, legal holidays designated by the laws of the State, and emergency night calls, the maximum labor charge may not be in excess of 200% of the straight time rate authorized by this order.

(4) *Minimum charges.* If a plumbing job requires less than one man hour, the maximum labor charge may be for one man hour. If any plumbing job takes only three hours or less of any class of labor for completion of a job, a separate charge of not more than 25¢ may be made for the use of an employer's motor vehicle in going to and from the job.

(5) *Self-employed plumber.* A self-employed plumber who performs plumbing services himself, either alone or with his employees, may charge for his services not more than the hourly rate charged by him as of the effective date of this revised order but not in excess of the maximum labor charge which would be permissible to be charged for the services of a journeyman plumber in the local area where the services are being performed.

(6) *Maximum labor charges for combination work.* The maximum labor charge for any combination of master plumber, journeyman plumber, apprentice plumber, helper, common laborer, or other employee may not exceed the total of the maximum hourly rates of each of

the types or classes of labor for which maximum charges are provided in this order.

II. *Maximum prices of plumbing materials and equipment and other permitted charges.* (1) The maximum prices which may be charged by any seller of plumbing materials and equipment, which for the purposes of this order also include all items known as plumbing fixtures and specialties, shall not be in excess of the seller's cost plus the percentage herein specified. (The seller's cost of materials and equipment shall be deemed to be the wholesale net price lawfully charged the plumbing trade for limited quantities of such materials and equipment by established wholesale plumbing supply firms nearest his place of business, based on their published price lists, together with the actual transportation charges paid therefor by the seller but not in excess of the common carrier rate from the nearest point of supply. If the materials and equipment being sold are marked by a manufacturer's label containing the approved OPA retail ceiling price for sales of the commodity by a seller, a seller of such materials and equipment under this order may charge the price marked on the label in lieu of the stated percentage markup herein specified but in no event may the seller charge more than the price marked on the label.

PERCENTAGE MARKUPS ON SALES OF INSTALLED PLUMBING MATERIALS AND EQUIPMENT

	Plumbing jobs of \$350 or less ¹	Plumbing jobs of more than \$350 and not over \$750
(a) Plumbing equipment and fixtures including all items such as bath tubs, lavatories, water closets, kitchen and wash sinks, laundry tubs and other such items, excepting water heating equipment.	Percent 40	Percent 33½
(b) Water heating equipment, including hot water tanks, electric, gas, and oil burning automatic, semi-automatic or manually operated water heaters.	50	40
(c) Plumbing materials and specialties including all items used in repairing or installing plumbing equipment or fixtures or water heating equipment such as pipe, pipe fittings, valves, hangers, lead and similar materials and specialties.	50	45

¹ On plumbing jobs of \$350 or less, whenever the unit cost of any plumbing materials or specialties (including pipe nipples in lengths of 12 inches or less) is not more than \$1, a markup of not to exceed 100% may be made but this permitted markup shall not apply to pipe made of copper, steel, brass, lead, wrought iron or cast iron, clay or asbestos cement, or to cast iron soil pipe or soil pipe fittings.

(2) *Sub-contracted work.* Where work such as drain laying, excavating, pipe covering, sheet metal ducts, and similar work is sub-contracted by a seller under this order, the seller may charge the purchaser the cost of such sub-contracted work plus a markup of not more than 10% but the charge to the purchaser may not exceed the price which the seller may lawfully charge if he had done the work himself.

(3) *Power driven and other special plumbing equipment.* If, during March, 1942, the seller made an extra charge for the use of power driven and other special plumbing equipment, but not in-

cluding the motor vehicle in which the equipment is transported, the maximum prices per hour for such use upon and after the effective date of this order shall not be in excess of the highest price per hour he charged therefor or other maximum charges during March, 1942. If the seller acquired such power driven and other special plumbing equipment after March 1942 but prior to the effective date of this order and thereafter established maximum prices per hour or other maximum charges for such uses under the applicable maximum price regulation, he may continue to charge such established prices. In either case, the seller must have records available to substantiate the charging of such prices and such prices must be filed with the District Office of the Office of Price Administration pursuant to section 10 of this order. If a seller commences the use of power driven and other special plumbing equipment after the effective date of this order, he shall establish his maximum hourly prices therefor or other maximum charges under the applicable maximum price regulation and file such prices with the District Office within 10 days.

(4) *Out of town travel expenses.* A seller who furnishes men on an out of town plumbing job covered by this order shall be reimbursed to the extent of the amount he shall have to pay for travel expense at not to exceed 5¢ per mile for travel beyond the city limits and subsistence where the job necessitates the men being away from their homes. This item shall be explained to the purchaser prior to commencing the job and shall be invoiced separately. Travel expenses and subsistence may not be collected unless the seller actually pays the employee therefor.

(5) *Transportation.* If a seller uses his truck to transport materials, equipment, and men to and from a job beyond the city limits, he may charge not more than 8¢ per mile to and from the job for such travel and similarly if other means of transportation are used.

(6) *Charges for permits.* Whenever a seller subject to this order is required to pay a permit fee to a municipal or other authority with respect to services or installations under this order he may make an additional charge to the purchaser in an amount not more than the actual fee paid to the municipal or other authority.

SEC. 5. Maximum prices of plumbing services and sales of installed plumbing materials and equipment in excess of \$750.00. The maximum prices of plumbing services and sales of installed plumbing materials and equipment for plumbing jobs in excess of \$750.00 shall be calculated under section 7 of Revised Maximum Price Regulation No. 251.

SEC. 6. Guaranteed price. A seller may offer to sell a plumbing job covered by this order on the basis of a guaranteed price but such guaranteed price shall not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order: *Provided, however,* That if the guaranteed price is offered with respect to a plumbing job of \$350.00 or less then the guaranteed price shall not be more than 10% higher than the maximum price fig-

ured in accordance with the pricing methods and requirements of this order.

SEC. 7. Related and incidental construction work. If on any plumbing job any installed building materials are furnished or any construction services are performed by the seller for which maximum prices are not fixed by this order, such materials and services shall be separately priced and billed on all invoices and sales slips. The maximum prices for such related and incidental work shall be determined under Revised Maximum Price Regulation No. 251 or as fixed by any applicable area pricing order issued by the Regional Administrator of Region VII.

SEC. 8. Notification—(a) Furnishing of statements. Each seller making a sale covered by this order shall, upon completion of the work, furnish to the purchaser a statement and keep a copy thereof at his principal place of business showing the following:

- (1) The names and addresses of the seller and purchaser.
- (2) The location of the job.
- (3) The date the job was completed.
- (4) A description of the work performed and the total charged for the job, including plumbing services and sales of installed plumbing materials and equipment and other permitted charges, and a separate statement of the related and incidental construction work performed as provided in section 7 of this order.

(b) **Furnishing of further statements upon request.** If requested by the purchaser, the seller shall furnish the purchaser an itemized statement showing the information contained in subparagraphs (1), (2) and (3) of paragraph (a) of this section, together with an itemized statement showing the total labor charges for plumbing services for each type or class of labor performed and the hourly rates charged therefor, together with an itemized statement of the installed plumbing materials and equipment, and other permitted charges, and the quantities and prices of each, and a separate itemized statement of any related and incidental construction work performed, as provided in section 7 of this order. A copy of any such statements so furnished shall be kept by the seller at his principal place of business.

(c) **Order available for inspection.** Each seller making a sale covered by this order, if requested by the purchaser shall make available to the purchaser a copy of this order and a copy of Revised Maximum Price Regulation No. 251. Copies for this purpose may be obtained from the office of the Regional Administrator or from the District Office of the Office of Price Administration.

SEC. 9. Records. Each seller must keep and retain at his principal place of business so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records concerning each sale covered by this order showing the following:

- (1) The name and address of the purchaser.
- (2) The location of the job.
- (3) A copy of any and all contracts pertaining to each sale.
- (4) The time the job was commenced and completed.

(5) A description of the plumbing services and installed plumbing materials and equipment involved, and other permitted charges, and the quantities and prices of each.

(6) The hours worked and labor charges by types and classes of labor.

(7) A separate itemized statement of any related and incidental construction work and the prices charged for such work.

SEC. 10. Filing and reporting of maximum prices. (a) Each seller subject to this order shall within 30 days after the effective date of this order, or within 10 days after any increase in labor cost is put into effect, or in the case of new sellers within 10 days after first entering business, file with the Salt Lake City District Office of the Office of Price Administration the following information:

(1) The "maximum labor charge" as that term is defined in section 1 (b) (5) of this order in terms of the straight time hourly rate to be charged the purchaser for plumbing services covered by this order for each class of workmen employed by him.

(2) The "labor cost" as that term is defined in section 1 (b) (6) of this order in terms of the straight time hourly rate applicable to each class of workmen employed by the seller.

(3) A statement that the prices charged by the seller for the sale of installed plumbing materials and equipment and the other permitted charges covered by this order will not exceed the maximum percentage mark-ups and other charges permitted by section 4 of this order, and a statement that the maximum charge to the purchaser for plumbing services sub-contracted by the seller will not exceed the maximum price which the seller may lawfully charge under this order if he had rendered the services directly.

(4) A description and list of all power driven and other special plumbing and equipment and the maximum hourly charges therefor which were in effect in March 1942 or which were thereafter established pursuant to the applicable maximum price regulation.

(5) The hourly rate charged by a self-employed plumber as of the effective date of this order pursuant to section 4 I (5) of this order or in the case of a new self-employed plumber the proposed hourly rate to be charged but not in excess of the maximum charge which would be permissible to be charged for the services of a journeyman plumber in the local area where the services are performed or are to be performed.

(b) Whenever a new seller files the information required by this section, the District Director may by order approve, disapprove or revise any maximum prices proposed so as to make it in line with the level of maximum prices established by this order. If the District Director fails to act within 20 days after the date of filing, the proposed prices shall be deemed to be in effect.

(c) If a seller subject to Order No. G-13, Plumbing services and sales of installed plumbing materials and equipment in the Salt Lake City District, issued December 14, 1945 and effective December 24, 1945, has complied with the provisions of section 10 (1) and (2) of that order and the same maximum

labor charges and labor costs except for slight variances in the table given in section 4 II (1), of this order, are in effect as of the effective date of this Revised Order No. G-13, it shall be unnecessary for the seller to re-file or report under the provisions of this section. Each seller shall, however, comply with the provisions of this section with respect to its other filing and reporting provisions and also if there have been any changes in his maximum labor charges and labor costs not heretofore filed and reported to the Salt Lake City Office.

SEC. 11. Prohibitions against sales at higher than maximum prices. On and after the effective date of this order, regardless of any contract or other obligation, no person shall sell or offer to sell plumbing services or plumbing materials and equipment on an installed basis, or both, covered by this order at higher prices than the maximum prices established by this order: *Provided*, That plumbing services performed or installations made not more than 30 days after the effective date of this order on bona fide contracts executed prior to the effective date of this order shall not be considered to be violations of this order.

SEC. 12. Evasions. (a) Any practice, scheme or device which results in a higher price to the purchaser of plumbing services or installed plumbing materials and equipment than is permitted by this order shall be deemed a violation of this order and subjects the seller to all the civil liabilities and the criminal penalties provided by the Emergency Price Control Act of 1942 as amended and extended.

(b) No seller shall as a part of the consideration or as a condition of a sale of any of the plumbing services or installed plumbing materials and equipment covered by this order, secretly or otherwise receive, either directly or indirectly any side payment, commission, fee, consideration or other thing of value whatsoever nor shall the seller, either directly or indirectly acquire or receive in addition to the maximum prices established by this order the benefit of any services, transportation agreements or other valuable thing, materials or property.

(c) No seller shall eliminate or reduce in any form or manner any maintenance or repair service customarily offered or performed as a part of plumbing services or installed plumbing materials and equipment nor shall the seller lower the quality of the materials and equipment below that called for by the specifications or agreement.

(d) No seller shall by any of the foregoing plans, schemes or devices, or by any other plan, scheme or device, receive or acquire or attempt to receive or acquire anything of value, service, valuable right, property or property right, money or other consideration whatsoever in addition to the maximum prices established in this order for the sale of any plumbing services or installed plumbing materials and equipment.

SEC. 13. Less than maximum prices. Prices lower than the maximum prices

for sales covered by this order may, of course, be charged and paid.

SEC. 14. Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 15. Revocation of Order No. G-13. Order No. G-13, Plumbing services and sales of installed plumbing materials and equipment in the Salt Lake City District, issued December 14, 1945 and effective December 24, 1945, is hereby revoked.

SEC. 16. Revocation or amendment. This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

This Revised Order No. G-13 shall become effective June 19, 1946.

Issued this 19th day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

[F. R. Doc. 46-11737; Filed, July 3, 1946;
11:26 a. m.]

[Region VII Rev. Order G-14 Under
RMFR 251]

PLUMBING MATERIALS AND EQUIPMENT IN BOISE DISTRICT

Revised Order No. G-14 under Revised Maximum Price Regulation No. 251. Construction services and sales of installed building materials. Maximum prices for plumbing services and sales of installed plumbing materials and equipment in the Boise District. Docket No. 7-251-9-13 (Rev.).

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Regional Administrator of Region VII of the Office of Price Administration by sections 9 and 20 of Revised Maximum Price Regulation No. 251, it is ordered:

SECTION 1. What this order does. (a) This order fixes maximum prices for plumbing services and sales of installed plumbing materials and equipment and certain other permitted charges by any person; hereinafter called the seller, to any person, hereinafter called the purchaser, in connection with a residential building at a fixed site in the Boise, Idaho, District.

(b) **Definitions.** As used in this order, the term:

(1) "Plumbing" means water, steam, gas, and oil distribution and waste removal systems in a residential building at a fixed site.

(2) "Plumbing services" means the services required to install, alter, repair, maintain or remove plumbing materials or equipment in or from a residential building at a fixed site but not including the cleaning of cesspools, grease traps, and septic tanks which services are cov-

ered by Maximum Price Regulation No. 165.

(3) "Sales of installed plumbing materials and equipment" means a transaction in which the seller furnishes plumbing materials and equipment, together with the services required to incorporate such materials or equipment in a residential building at a fixed site.

(4) "Residential building" means any or part thereof used entirely or principally for living or dwelling purposes (including houses, apartments, hotels, and all other properties used for living or dwelling purposes), and all other buildings or structures in connection therewith or adjacent thereto at the same site, such as garages, barns, milk houses, sheds, granaries, and other out-buildings.

(5) "Maximum labor charge" means the amount charged for labor of a specified type or class for plumbing services, made either at a flat rate per hour so as to include a margin for administrative and overhead costs and profit, or as a percentage of the seller's labor cost, which resulting maximum labor charge is also deemed to include a margin for administrative and overhead costs and profit.

(6) "Labor cost" means the seller's actual labor cost based on the wage rates in effect on October 3, 1942 for the same class of laborers, or the seller's actual labor cost based on the wage rates which have been subsequently approved by a Federal wage or stabilization agency. Additional payments for Federal old-age benefits, unemployment compensation taxes, workmen's compensation and public liability insurance shall be regarded as being part of such labor cost.

(7) "Master plumber" means any skilled person who, as owner or supervisor, renders plumbing services or who is licensed as such if any applicable municipal ordinance so requires.

(8) "Journeyman plumber" means any skilled person who renders plumbing services or who is licensed as such if any applicable municipal ordinance so requires.

(9) "Apprentice plumber" means any person, other than a master plumber or a journeyman plumber, who pursuant to an apprenticeship agreement, is engaged in learning the plumbing trade and who as his principal occupation renders plumbing services; and

(10) "Helper" or "common laborer" means any person other than a master plumber, journeyman plumber or apprentice plumber who renders plumbing services.

SEC. 2. Geographical applicability. This Revised Order No. G-14 applies only to the Boise District, which includes Malheur County, Oregon, all counties in the State of Idaho excepting Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone, included in the Spokane District, and Franklin included in the Salt Lake City District.

SEC. 3. Relationship of this order to Revised Maximum Price Regulation No. 251. This order supersedes sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 with respect to services

and sales covered by this order and any maximum prices heretofore approved therefor by the Regional Administrator of Region VII or by the District Director of the Boise District under section 6 (b) or sections 8 and 9 of Revised Maximum Price Regulation No. 251 are hereby terminated and superseded by this order. All other sections of Revised Maximum Price Regulation No. 251, together with all amendments thereto that have been or may be issued shall, except to the extent they are inconsistent with the provisions of this order, apply to all sales and services covered by this order.

SEC. 4. Maximum prices of plumbing services and sales of installed plumbing materials and equipment and other permitted charges. The maximum prices for plumbing services covered by this order shall be a maximum labor charge based on the hourly wage rates as set forth in sub-section I of this section, and the maximum prices for sales of installed plumbing materials and equipment covered by this order shall be the sum of the plumbing services involved and the maximum prices of the plumbing materials and equipment and certain other permitted charges as set forth in sub-section II of this section.

I. Maximum labor charges for plumbing services. (1) The maximum labor charges per hour straight time for plumbing services covered by this order, performed by master plumbers, journeyman plumbers, apprentice plumbers, helpers, common laborers, and others shall be the rates shown in Column B for the amount of labor cost (wages paid) shown in Column A.

MAXIMUM LABOR CHARGES PER HOUR STRAIGHT TIME	
Column A	Column B
Labor cost per hour:	Maximum labor charge per hour straight time
\$1.00 or less	(1)
\$1.01 to \$1.04	\$1.55
\$1.05 to \$1.09	1.60
\$1.10 to \$1.14	1.70
\$1.15 to \$1.19	1.75
\$1.20 to \$1.24	1.85
\$1.25 to \$1.29	1.90
\$1.30 to \$1.34	2.00
\$1.35 to \$1.39	2.05
\$1.40 to \$1.44	2.15
\$1.45 to \$1.49	2.20
\$1.50 to \$1.54	2.30
\$1.55 to \$1.59	2.35
\$1.60 to \$1.64	2.45
\$1.65 to \$1.69	2.50
\$1.70 to \$1.74	2.60
\$1.75 to \$1.79	2.65
\$1.80 to \$1.84	2.75
\$1.85 to \$1.89	2.80
\$1.90 to \$1.94	2.90
\$1.95 to \$1.99	2.95
\$2.00 to \$2.04	3.05
\$2.05 to \$2.09	3.10
\$2.10 to \$2.14	3.20
\$2.15 to \$2.19	3.25
\$2.20 to \$2.24	3.35
\$2.25 to \$2.29	3.40
\$2.30 to \$2.34	3.50
\$2.35 to \$2.39	3.55
\$2.40 to \$2.44	3.65
\$2.45 to \$2.50	3.70
\$2.51 or over	(1)

(1) 150% of actual labor cost.

(2) **Measurement of hours.** The number of hours which may be charged against any plumbing job consuming one

day or less shall be counted from the time the workman leaves the seller's shop or the previous plumbing job (whichever time is later) until he completes the job or proceeds to another job or until he returns to the seller's shop if he proceeds there directly. Whenever any job extends into more than one day, the time in transit to or from the job may be charged only once per day. The hours for which charges are made shall not exceed those shown in the records which the seller is required to keep under section 9 of this order.

(3) *Overtime.* (a) When work is performed at the purchaser's request after 12:01 p. m. on Saturday and between the hours of 5 p. m. and 8 a. m. of any other day except Sundays, legal holidays, and on emergency night calls, the maximum labor charge per hour for work during such hours may not be in excess of 150% of the straight time rate authorized in this order.

(b) Where work is performed at the purchaser's request on Sundays, legal holidays designated by the laws of the State, and emergency night calls, the maximum labor charge may not be in excess of 200% of the straight time rate authorized by this order.

(4) *Minimum charges.* If a plumbing job requires less than one man hour, the maximum labor charge may be for one man hour. If any plumbing job takes only three hours or less of any class of labor for completion of a job, a separate charge of not more than 25¢ may be made for the use of an employer's motor vehicle in going to and from the job.

(5) *Self-employed plumber.* A self-employed plumber who performs plumbing services himself, either alone or with his employees, may charge for his services not more than the hourly rate charged by him as of the effective date of this revised order, but not in excess of the maximum labor charge which would be permissible to be charged for the services of a journeyman plumber in the local area where the services are being performed.

(6) *Maximum labor charges for combination work.* The maximum labor charge for any combination of master plumber, journeyman plumber, apprentice plumber, helper, common laborer, or other employee may not exceed the total of the maximum hourly rates of each of the types or classes of labor for which maximum charges are provided in this order.

II. *Maximum prices of plumbing materials and equipment and other permitted charges.* (1) The maximum prices which may be charged by any seller of plumbing materials and equipment, which for the purposes of this order also include all items known as plumbing fixtures and specialties, shall not be in excess of the seller's cost plus the percentage herein specified. The seller's cost of materials and equipment shall be deemed to be the wholesale net price lawfully charged the plumbing trade for limited quantities of such materials and equipment by established wholesale plumbing supply firms nearest his place of business, based on their published price lists, together with the actual transportation charges paid therefor by

the seller but not in excess of the common carrier rate from the nearest point of supply. If the materials and equipment being sold are marked by a manufacturer's label containing the approved OPA retail ceiling price for sales of the commodity by a seller, a seller of such materials and equipment under this order may charge the price marked on the label in lieu of the stated percentage markup herein specified but in no event may the seller charge more than the price marked on the label.

PERCENTAGE MARKUPS ON SALES OF INSTALLED PLUMBING MATERIALS AND EQUIPMENT

	Plumbing jobs of \$350 or less ¹	Plumbing jobs of more than \$350 and not over \$750
(a) Plumbing equipment and fixtures, including all items such as bath tubs, lavatories, water closets, kitchen and wash sinks, laundry tubs and other such items, excepting water heating equipment.....	Percent 40	Percent 33 1/4
(b) Water heating equipment, including hot water tanks, electric, gas, and oil burning automatic, semi-automatic or manually operated water heaters.....	50	40
(c) Plumbing materials and specialties including all items used in repairing or installing plumbing equipment or fixtures or water heating equipment such as pipe, pipe fittings, valves, hangers, lead and similar materials and specialties.....	50	45

¹ On plumbing jobs of \$350 or less, whenever the unit cost of any plumbing materials or specialties (including pipe nipples in lengths of 12 inches or less) is not more than \$1, a markup of not to exceed 100% may be made, but this permitted markup shall not apply to pipe made of copper, steel, brass, lead, wrought iron or cast iron, clay or asbestos cement, or to cast iron soil pipe or soil pipe fittings.

(2) *Sub-contracted work.* Where work such as drain laying, excavating, pipe covering, sheet metal ducts, and similar work is sub-contracted by a seller under this order, the seller may charge the purchaser the cost of such sub-contracted work plus a markup of not more than 10% but the charge to the purchaser may not exceed the price which the seller may lawfully charge if he had done the work himself.

(3) *Power driven and other special plumbing equipment.* If, during March, 1942, the seller made an extra charge for the use of power driven and other special plumbing equipment, but not including the motor vehicle in which the equipment is transported, the maximum prices per hour for such use upon and after the effective date of this order shall not be in excess of the highest price per hour he charged therefor or other maximum charges during March, 1942. If the seller acquired such power driven and other special plumbing equipment after March 1942 but prior to the effective date of this order and thereafter established maximum prices per hour or other maximum charges for such uses under the applicable maximum price regulation, he may continue to charge such established prices. In either case, the seller must have records available to substantiate the charging of such prices and such prices must be filed with the Boise District Office of the Office of Price Administration pursuant to Section 10 of

this order. If a seller commences the use of power driven and other special plumbing equipment after the effective date of this order he shall establish him maximum hourly prices therefor or other maximum charges under the applicable maximum price regulation and file such prices with the District Office within 10 days.

(4) *Out of town travel expenses.* A seller who furnishes men on an out-of-town plumbing job covered by this order shall be reimbursed to the extent of the amount he shall have to pay for travel expense at not to exceed 5¢ per mile for travel beyond the city limits and subsistence where the job necessitates the men being away from their homes. This item shall be explained to the purchaser prior to commencing the job and shall be invoiced separately. Travel expenses and subsistence may not be collected unless the seller actually pays the employee therefor.

(5) *Transportation.* If a seller uses his truck to transport materials, equipment, and men to and from a job beyond the city limits he may charge not more than 7¢ per mile to and from the job for such travel and similarly if other means of transportation are used.

(6) *Charges for permits.* Whenever a seller subject to this order is required to pay a permit fee to a municipal or other authority with respect to services or installations under this order he may make an additional charge to the purchaser in an amount not more than the actual fee paid to the municipal or other authority.

SEC. 5. *Maximum prices of plumbing services and sales of installed plumbing materials and equipment in excess of \$750.00.* The maximum prices of plumbing services and sales of installed plumbing materials and equipment for plumbing jobs in excess of \$750.00 shall be calculated under section 7 of Revised Maximum Price Regulation No. 251.

SEC. 6. *Guaranteed price.* A seller may offer to sell a plumbing job covered by this order on the basis of a guaranteed price but such guaranteed price shall not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order; *Provided, however,* That if the guaranteed price is offered with respect to a plumbing job of \$350.00 or less, then the guaranteed price shall not be more than 10% higher than the maximum price figured in accordance with the pricing methods and requirements of this order.

SEC. 7. *Related and incidental construction work.* If on any plumbing job any installed building materials are furnished or any construction services are performed by the seller for which maximum prices are not fixed by this order, such materials and services shall be separately priced and billed on all invoices and sales slips. The maximum prices for such related and incidental work shall be determined under Revised Maximum Price Regulation No. 251 or as fixed by any applicable area pricing order issued by the Regional Administrator of Region VII.

SEC. 8. *Notification—(a) Furnishing of statements.* Each seller making a sale

covered by this order shall, upon completion of the work, furnish to the purchaser a statement and keep a copy thereof at his principal place of business showing the following:

- (1) The names and addresses of the seller and purchaser.
- (2) The location of the job.
- (3) Date the job was completed.
- (4) A description of the work performed and the total charged for the job, including plumbing services and sales of installed plumbing materials and equipment and other permitted charges, and a separate statement of the related and incidental construction work performed as provided in section 7 of this order.

(b) *Furnishing of further statements upon request.* If requested by the purchaser, the seller shall furnish the purchaser an itemized statement showing the information contained in subparagraphs (1), (2), and (3) of paragraph (a) of this section, together with an itemized statement showing the maximum labor charges for plumbing services for each type or class of labor performed and the hourly rates charged therefor, together with an itemized statement of the installed plumbing materials and equipment, and other permitted charges, and the quantities and prices of each, and a separate itemized statement of any related and incidental construction work performed, as provided in section 7 of this order. A copy of any such statements so furnished shall be kept by the seller at his principal place of business.

(c) *Order available for inspection.* Each seller making a sale covered by this order, if requested by the purchaser, shall make available to the purchaser a copy of this order and a copy of Revised Maximum Price Regulation No. 251. Copies for this purpose may be obtained from the office of the Regional Administrator or from the District Office of the Office of Price Administration.

SEC. 9. Records. Each seller must keep and retain at his principal place of business so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records concerning each sale covered by this order showing the following:

- (1) The name and address of the purchaser.
- (2) The location of the job.
- (3) A copy of any and all contracts pertaining to each sale.
- (4) The time the job was commenced and completed.
- (5) A description of the plumbing services and installed plumbing materials and equipment involved, and other permitted charges, and the quantities and prices of each.
- (6) The hours worked and labor charges by types and classes of labor.
- (7) A separate itemized statement of any related and incidental construction work and the prices charged for such work.

SEC. 10. Filing and reporting of maximum prices. (a) Each seller subject to this order shall within 30 days after the effective date of this order, or within 10 days after any increase in labor cost is put into effect, or in the case of new sellers within 10 days after first entering business, file with the Boise District Office of the Office of Price Administration the following information.

(1) The "maximum labor charge" as that term is defined in section 1 (b) (5) of this order in terms of the straight time hourly rate to be charged the purchaser for plumbing services covered by this order for each class of workmen employed by him.

(2) The "labor cost" as that term is defined in section 1 (b) (6) of this order in terms of the straight time hourly rate applicable to each class of workmen employed by the seller.

(3) A statement that the prices charged by the seller for the sale of installed plumbing materials and equipment and the other permitted charges covered by this order will not exceed the maximum percentage markups and other charges permitted by section 4 of this order, and a statement that the maximum charge to the purchaser for plumbing services sub-contracted by the seller will not exceed the maximum price which the seller may lawfully charge under this order if he had rendered the services directly.

(4) A description and list of all power driven and other special plumbing equipment and the maximum hourly charges therefor which were in effect in March 1942 or which were thereafter established pursuant to the applicable maximum price regulation.

(5) The hourly rate charged by a self-employed plumber as of the effective date of this order pursuant to section 4 I (5) of this order or in the case of a new self-employed plumber the proposed hourly rate to be charged but not in excess of the maximum charge which would be permissible to be charged for the services of a journeyman plumber in the local area where the services are performed or are to be performed.

(b) Whenever a new seller files the information required by this section, the District Director may by order approve, disapprove or revise any maximum prices proposed so as to make it in line with the level of maximum prices established by this order. If the District Director fails to act within 20 days after the date of filing, the proposed prices shall be deemed to be in effect.

(c) If a seller subject to Order G-14, Plumbing Services and Sales of Installed Plumbing Materials and Equipment in the Boise District, issued December 13, 1945 and effective December 24, 1945, has complied with the provisions of section 10 (1) and (2) of that order and the same maximum labor charges and labor costs except for slight variances in the table given in section 4 II (1), of this order are in effect as of the effective date of this Revised Order No. G-14, it shall be unnecessary for the seller to re-file or report under the provisions of this section. Each seller shall, however, comply with the provisions of this section with respect to its other filing and reporting provisions and also if there have been any changes in his maximum labor charges and labor costs not heretofore filed and reported to the Boise District Office.

SEC. 11. Prohibitions against sales at higher than maximum prices. On and after the effective date of this order, regardless of any contract or other obligation, no person shall sell or offer to sell

plumbing services or plumbing materials and equipment on an installed basis, or both, covered by this order at higher prices than the maximum prices established by this order; *Provided*, That plumbing services performed or installations made not more than 30 days after the effective date of this order on bona fide contracts executed prior to the effective date of this order shall not be considered to be violations of this order.

SEC. 12. Evasions. (a) Any practice, scheme or device which results in a higher price to the purchaser of plumbing services or installed plumbing materials and equipment than is permitted by this order shall be deemed a violation of this order and subjects the seller to all the civil liabilities and the criminal penalties provided by the Emergency Price Control Act of 1942, as amended and extended.

(b) No seller shall as a part of the consideration or as a condition of a sale of any of the plumbing services or installed plumbing materials and equipment covered by this order, secretly or otherwise receive, either directly or indirectly any side payment, commission, fee, consideration or other thing of value whatsoever, nor shall the seller, either directly or indirectly acquire or receive in addition to the maximum prices established by this order the benefit of any services, transportation agreements, tying agreements, or other valuable thing, materials or property.

(c) No seller shall eliminate or reduce in any form or manner any maintenance or repair service customarily offered or performed as a part of plumbing services or installed plumbing materials and equipment nor shall the seller lower the quality of the materials and equipment below that called for by the specifications or agreement.

(d) No seller shall by any of the foregoing plans, schemes or devices, or by any other plan, scheme or device, receive or acquire or attempt to receive or acquire anything of value, service, valuable right, property or property right, money or other consideration whatsoever in addition to the maximum prices established in this order for the sale of any plumbing services or installed plumbing materials and equipment.

SEC. 13. Less than maximum prices. Prices lower than the maximum prices for sales covered by this order may, of course, be charged and paid.

SEC. 14. Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 15. Revocation of Order No. G-14. Order No. G-14, "Plumbing Services and Sales of Installed Plumbing Materials and Equipment in the Boise District," issued December 13, 1945 and effective December 24, 1945, is hereby revoked.

SEC. 16. *Revocation or amendment.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

This Revised Order No. G-14 shall become effective June 19, 1946.

Issued this 19th day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

[F. R. Doc. 46-11733; Filed, July 3, 1946;
11:25 a. m.]

[Region VII Order G-26 Under RMPR 122,
Amdt. G-46]

SOLID FUELS IN DENVER REGION

Order No. G-26 Under Revised Maximum Price Regulation No. 122, Amendment No. G-46. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII. Docket No. 7-122-259 (a) (1), 260-28.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 46 is issued.

1. The table of maximum prices, as set forth in paragraph (3) of Appendix IV, Pueblo Trade Area, as heretofore amended by Amendment No. 10, is hereby further amended to read as follows:

TABLE OF MAXIMUM PRICES

Kind and letter designation and size	Part 1		Part 2
	Delivered prices		Yard prices per ton
	Per ton	Per ½ ton	
Bituminous coal produced in district 17:			
Subdistrict 2, Canon No. 1:			
(A) No. 2-6" lump.	\$8.85	\$4.70	8.35
(B) No. 3-3" lump.	8.85	4.70	8.35
(C) No. 7-6" x 1½" egg.	8.00	4.25	7.50
(D) No. 9-3" x 1½" nut.	7.60	4.05	7.10
(E) No. 10-1½" x 1" range.	7.35	3.95	6.85
(F) No. 11-1½" x ¾" pea.	6.55	3.55	6.05
(G) No. 13-1½" x 0" slack.	5.50	3.00	5.00
Subdistrict 3, Canon No. 2:			
(H) No. 2-6" lump.	8.30	4.40	7.80
(I) No. 3-3" lump.	8.30	4.40	7.80
(J) No. 7-6" x 1½" egg.	7.95	4.25	7.45
(K) No. 9-3" x 1½" nut.	7.45	4.00	6.95
(L) No. 10-1½" x 1" range.	7.20	3.85	6.70
(M) No. 11-1½" x ¾" pea.	6.50	3.50	6.00
(N) No. 13-1½" x 0" slack.	5.50	3.00	5.00
Subdistrict 1, Walsenburg:			
(O) No. 1-4, lump.	9.50	5.00	9.00
(P) No. 5-7, egg.	8.75	4.60	8.25
(Q) No. 8-10, nut.	8.25	4.35	7.75
(R) No. 11-12, pea.	6.90	3.70	6.40
(S) No. 13-15, slack.	5.90	3.20	5.40
Subdistrict 6, Aguilar:			
(T) No. 1-4, lump.	9.10	4.80	8.60
(U) No. 5-7, egg.	8.60	4.55	8.10
(V) No. 8-10, nut.	8.10	4.30	7.60
(W) No. 11-12, pea.	6.65	3.55	6.15
(X) No. 13-15, slack.	5.90	3.20	5.40

This Amendment No. 46 and Amendment No. 10, issued August 9, 1944, are

the only amendments to Order No. G-26 that make any change whatsoever in Appendix IV. However, the specific prices as hereinabove set forth are subject to the applicable price increases authorized by Order No. G-28 and Order No. G-30 heretofore issued under Revised Maximum Price Regulation No. 122.

2. *Effective date.* This Amendment No. 46 shall become effective on the 20th day of June 1946.

Issued this 20th day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

[F. R. Doc. 46-11753; Filed, July 3, 1946;
11:33 a. m.]

[Region VIII Order G-13 Under MPR 592]

SAND, GRAVEL AND CRUSHED ROCK IN MEDFORD, OREG. AREA

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator by section 17 of Maximum Price Regulation No. 592, *It is hereby ordered:*

(a) The adjusted maximum prices per cubic yard for sales of sand, gravel and crushed rock in the Medford, Oregon area shall be as follows:

	At whole-sale	At retail
Concrete sand.....	\$1.70	\$1.80
Concrete gravel.....	1.40	1.50
Plaster sand.....	2.90	3.00
Crushed rock.....	1.70	1.80
Bar run.....		.90

(b) All prices are f. o. b. bunker.

(c) Price discounts, allowances and differentials in effect in March, 1942, shall be maintained.

(d) Each producer's adjusted delivery charge shall be his established delivery charge increased by 10%.

(e) This order shall apply to the city of Medford, Oregon, and the area within a five mile radius thereof.

(f) This order may be corrected, amended or revoked at any time.

(g) This order shall become effective May 20, 1946.

Issued this 12th day of June 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-11727; Filed, July 3, 1946;
11:23 a. m.]

[Region VII Order G-33 Under RMPR 122]

SOLID FUELS IN DENVER REGION

Order No. G-33 Under Revised Maximum Price Regulation No. 122. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in suppliers' prices under Amendment No. 158 to Maximum Price Regulation No. 120. Docket No. 7-122-259 (a), 260-3.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised

Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Order No. G-33 is issued.

(a) *What this order does.* This Order No. G-33 permits dealers in Region VII for whom specific maximum prices have heretofore been established by this Regional Office by an order or orders issued under Revised Maximum Price Regulation No. 122 to add to their present maximum prices as so established for the coal specified herein a sum equal to the increase granted the respective producer from whom they purchase by Amendment No. 158 to Maximum Price Regulation No. 120, effective June 21, 1946, in like manner as Order No. G-28 issued by this Regional Office on May 7, 1945, compensated such dealers for increases authorized by Amendment No. 137 to Maximum Price Regulation No. 120, effective May 1, 1945.

(b) *Dealers' permitted increases.* If you are a dealer selling any kind, class, or grade of bituminous coal produced in Districts 16, 17, 18, 19, 20, or 22, for which your present maximum price has been established by an order or orders issued by this Regional Office under Revised Maximum Price Regulation No. 122, you may add to such presently existing maximum prices for such coals the amounts respectively set forth in the following table:

DEALERS' PERMITTED PRICE INCREASES UNDER AMENDMENT 158 TO MAXIMUM PRICE REGULATION NO. 120

Kind	Permitted increase	
	Per ton	Per ½-ton
All bituminous coal produced in District 16.....	\$0.23	\$0.12
All bituminous coal produced in District 17.....	.59	.30
All bituminous coal produced in District 18.....	1.08	.54
All bituminous coal produced in District 19.....	.18	.09
All bituminous coal produced in District 20.....	.21	.10
All bituminous coal produced in District 22.....	.86	.43
All Cerrillos anthracite coal, Madrid, N. Mex.....	1.08	.54

(c) *Limitations.* This Order No. G-33 permits you to add to your present dollars-and-cents maximum prices as established under existing orders and regulations, including the applicable provisions of Order No. G-28 and Order No. G-30 under Revised Maximum Price Regulation No. 122, the amounts set forth in the above table as to bituminous coal produced in any one of the districts specified, when loaded out and shipped by the producer on your order on or after June 21, 1946.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(e) *Right to revoke or amend.* This order may be revoked, modified, or

amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This Order No. G-33 shall become effective as of June 22, 1946.

Issued this 25th day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

[F. R. Doc. 46-11752; Filed, July 3, 1946;
11:32 a. m.]

[Region VIII Order G-12 Under Rev. Supp.
Service Reg. 43 to RMPR 165]

HARVESTING OF ALFALFA HAY AND FLAX STRAW IN IMPERIAL VALLEY, CALIF., AREA

For the reasons set forth in the accompanying opinion and under authority vested in the Regional Administrator by § 1499.676 (a) (1) of Revised Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165, as amended; *It is hereby ordered:*

(a) The maximum price any independent contractor may charge for the services performed in connection with the harvesting of alfalfa hay and flax straw in the Imperial Valley area shall be the prices set forth in Table I below. These prices include all labor and equipment necessary for the performance of the contract. When any labor or equipment is furnished by the buyer the contractor must deduct from the applicable maximum price the reasonable value of such labor or the use of equipment.

TABLE I

ALFALFA HAY

Mowing.....	\$0.85 per acre.
Raking.....	\$1.15 per acre.
Baling.....	\$4.25 per ton.
Hauling and piling:	
Where piling is not to exceed 9 bales high.....	\$0.09 per bale.
Where piling is in excess of 9 bales high.....	\$0.10 per bale.

FLAX STRAW

Mowing.....	\$1.00 per acre.
Raking.....	\$1.25 per acre.
Baling.....	\$5.25 per ton.

(b) Imperial Valley area means that portion of Imperial County, California, bounded on the south by the International Boundary Line; on the east by the East High Line Canal to the point at which it intersects the main line of the Southern Pacific, four miles east of Niland; on the north by the main line (transcontinental route) of the Southern Pacific Station of Wister to Kane Springs on U. S. Highway No. 99, thence south to Plaster City on U. S. Highway No. 80, thence south to the International Boundary Line.

(c) This order shall become effective May 7, 1946 and will expire 90 days thereafter unless extended pursuant to § 1499.676 (b) (2) of Revised Supplementary Service Regulation No. 43.

(d) This order may be revised, amended or revoked at any time.

Issued this 12th day of June 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-11729; Filed, July 3, 1946;
11:24 a. m.]

[Region VIII Order G-79 Under 18 (c), Corr.
to Amdt. 4]

FIREWOOD IN CALIFORNIA

For the reasons set forth in the opinion issued simultaneously herewith, Amendment No. 4 to Order No. G-79 is corrected to read as follows:

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, Order No. G-79 is amended so that the first section of Subdivision I of Appendix A, Maximum prices for firewood, San Mateo County, shall be as follows:

RETAIL DELIVERED PRICES CORD WOOD

Dry or medium dry	Per cord—128 cubic feet					As sorted 2 ft. and under
	4 ft.	2 ft.	16 inches	12 inches	9 1/4-10 inches	
Pine.....	\$20	\$23	\$23.50	\$24	\$24	-----
Oak.....	22	25	26.00	27	27	-----
Madrone.....	22	25	26.00	27	27	-----
Eucalyptus.....	20	23	24.00	25	25	-----
Orchard (any kind).....	13	18	19.00	20	20	\$19

Issued this 18th day of June 1946.

This order shall become effective April 25, 1946.

GUY R. KINSLEY,
Acting Regional Administrator.

[F. R. Doc. 46-11731; Filed, July 3, 1946;
11:24 a. m.]

[Region VII 3d Rev. Order G-24 Under RMPR
122, Amdt. 17]

U. S. COAL CORP.

Third Revised Order No. G-24 under Revised Maximum Price Regulation No. 122, Amendment No. 17. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120. Docket No. 7-122-260-20.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 17 is issued.

1. Third Revised Order No. G-24 under Revised Maximum Price Regulation No. 122, as amended, is hereby further amended by making subparagraph (13) of Part I, mines in District 17, as added by Amendment No. 9, read as follows:

Operator	Sub-district	Index No.	Size groups	Amount	Effective date
(13) U. S. Coal Corporation, Webber-Rice	5	377	All	Cents 45	6-6-46

Effective date. This Amendment No. 17 shall become effective as of June 21, 1946.

Issued this 25th day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

[F. R. Doc. 46-11754; Filed, July 3, 1946;
11:33 a. m.]

[Region VIII Order G-2 Under Supp. Service
Reg. 50 to RMPR 165, Amdt. 4]

PARKING IN LOS ANGELES, CALIF.

For the reasons set forth in an accompanying opinion, Order No. G-2 under Supplementary Service Regulation No. 50, as amended, to Revised Maximum Price Regulation No. 165, is hereby amended in the following respects:

Appendix A is amended by adding thereto the following parking lots and their prices.

Location of parking lot	First hour's charge	Second and subsequent hours' charge	All day charge
Southwest corner 2d and Hill.....	\$0.10	X	\$0.15
235 South Hill.....	.10	X	.20
Southeast corner Olympic and Grand.....	.10	X	.15
128 South Figueroa.....	.10	X	.15
Northwest corner 8th and Grand.....	.15	\$0.10	.25
112-122 South Spring.....	.15	X	.25
Southeast corner 11th and Figueroa.....	.10	X	.15
512 West Temple.....	.15	X	.15
1021 South Wall St.....	.10	X	.10
1100 South Wall St.....	.10	X	.10

This Amendment No. 4 shall become effective at once.

Issued this 13th day of June 1946.

JOHN O'COUR,
Acting District Director.

[F. R. Doc. 46-11749; Filed, July 3, 1946;
11:31 a. m.]

[Region VIII Order G-5 Under RMPR 251,
Amdt. 4]

PLUMBING IN SOUTHERN CALIFORNIA AREA

An opinion accompanying this amendment has been issued simultaneously herewith.

The table of maximum labor charges in Order No. G-5 under Revised Maximum Price Regulation No. 251, subparagraph (b) (1) is amended to read as follows:

	Column A		Column B	
	Straight time	Over-time	Sundays and holidays	Percentage of "labor cost"
Journeyman plumber: Clark County, Nev.....	\$2.85	\$4.28	\$5.70	Percent 100%
Remainder of area.....	2.75	4.13	5.50	100%
Apprentice plumber and common labor.....	1.75	2.63	3.50	140

This amendment to Order No. G-5 shall become effective June 21, 1946.

Issued this 11th day of June 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-11728; Filed, July 3, 1946;
11:23 a. m.]

[Region VIII Order G-7 Under RMPR 136,
Revocation]

STAR MARINE ENGINE WORKS

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by sections 21 and 29 of Revised Maximum Price Regulation No. 136 and reserved, *It is hereby ordered*, That Order No. G-7 under Revised Maximum Price Regulation No. 136 be and the same is revoked.

This order shall become effective June 18, 1946.

Issued this 18th day of June 1946.

GUY R. KINSLEY,
Acting Regional Administrator.

[F. R. Doc. 46-11726; Filed, July 3, 1946;
11:23 a. m.]

[Region VIII Rev. Order G-98 Under 18 (c)
Amdt. 3]

ALDER, MAPLE, BIRCH AND COTTONWOOD LUMBER IN SAN FRANCISCO REGION

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G-98 under § 1499.18 (c) of the General Maximum Price Regulation is amended in the following respect:

1. Subparagraph (c) (8) is amended by changing grading rules designated therein as (d) and (f) to read as follows:

(d) Lengths: 6' to 8' or longer, of which 10% may be 6'.

(f) Firsts admits pieces that will yield $1\frac{1}{2}$ (91 $\frac{2}{3}$ %) clear-face cuttings as follows:

Alder and cottonwood. 2' to 5' surface measure, on one cutting; 6' to 8' in two cuttings; 9' and up in three cuttings.

Maple and birch. 3' to 6' surface measure, in one cutting; 7' to 9' in two cuttings; 10' and up in three cuttings.

This amendment to Revised Order No. G-98 shall become effective June 14, 1946.

Issued this 4th day of June 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-11730; Filed, July 3, 1946;
11:24 a. m.]

[Region IX Order G-1 under RMPR 165]

CONSTRUCTION SERVICES IN HAWAII

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

(a) *Maximum prices for certain construction services.* The maximum prices

for building and construction services in the Territory of Hawaii subject to Revised Maximum Price Regulation 165 shall be established in accordance with the provisions of that regulation except that maximum prices on cost plus contracts entered into after the effective date of this order may be figured on the basis of the wage rates authorized by the Wage Adjustment Board of the United States Department of Labor on May 21, 1946 in Case No. 52-12540.

This order shall become effective June 17, 1946.

Issued this 17th day of June 1946.

GERALD A. BARRETT,
Territorial Director.

[F. R. Doc. 46-11748; Filed, July 3, 1946;
11:31 a. m.]

[Springfield Order G-7 Under Gen. Order 68,
Amdt. 1]

HARD BUILDING MATERIALS IN LOGAN, DE WITT, PIATT, MENARD, AND CASS COUNT- IES, ILL., AREA

An accompanying opinion has been filed with the Division of the Federal Register. The Appendix to Order No. G-7 is amended by deleting all of the items and the maximum prices for Asphalt or Tarred Felt roofing, Asphalt Shingles, and Asphalt Sheathing, and substituting therefor the following corrected maximum prices:

Item and unit of sale	Maximum price
Asphalt roofing, 90 lb. mineral surface, per roll-----	\$2.72
Asphalt or tarred felt roofing 15 lb., per roll-----	2.65
Asphalt or tarred felt roofing 30 lb., per roll-----	2.65
Asphalt shingle 210 (thickbutt), per sq-----	6.72
Asphalt shingle 165 (hexagon), per sq-----	5.27
Asphalt sheathing 25/32", M sq. ft-----	69.00

This Amendment No. 1 becomes effective June 24, 1946.

Issued this 17th day of June 1946.

GEORGE C. BOSEN,
Acting District Director.

[F. R. Doc. 46-11739; Filed, July 3, 1946;
11:27 a. m.]

[Region VII Order G-3 Under MPR 121,
Amdt. 5]

SOLID FUELS IN DENVER REGION

Order No. G-3 under Maximum Price Regulation No. 121, Amendment No. 5. Docket No. 7-121-247a (b)-3.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.247a (b) of Maximum Price Regulation No. 121, as amended, and for the reasons set forth in the accompanying opinion, this Amendment No. 5 is issued.

1. Paragraph (b), "*Sizes and prices*," of Order No. G-3, as last amended by Amendment No. 4 issued August 24, 1945, is hereby further amended to read as follows:

(b) *Sizes and prices.*

	Per ton
No. 1 anthracite grate coal-----	\$11.06
No. 2 anthracite egg coal-----	11.06
No. 3 anthracite stove coal-----	11.06
Baseburner anthracite coal-----	11.06
No. 7 anthracite pea coal-----	7.06
No. 8 anthracite buckwheat coal-----	5.56
No. 9 anthracite chestnut coal-----	9.06
No. 10 anthracite duff coal-----	5.56
Special anthracite size 2" x 3"-----	11.51

2. *Effective date.* This amendment No. 5 shall become effective on the 22d day of June 1946.

Issued this 24th day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

[F. R. Doc. 46-11755; Filed, July 3, 1946;
11:33 a. m.]

[Region VII Order G-3 Under MPR 120,
Amdt. 2]

SOLID FUELS IN LEWISTOWN, MONT., AREA

Order No. G-3 under Maximum Price Regulation No. 120, as amended, Amendment No. 2. Docket No. 7-120-209-2.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.209 of Maximum Price Regulation No. 120, as amended, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. The table of maximum prices, as set forth in paragraph (d), "*Specific maximum prices*," of Order No. G-3 under Maximum Price Regulation No. 120, as amended, is hereby amended to read as follows:

TABLE OF MAXIMUM PRICES

Kind, size, and letter designation	Delivered from mine or adjunct preparation plant	
	Load lots per ton	Split-load lots per ton
Bituminous coal produced in district 22:		
Subdistrict 1, Roundup, and sub-district 9, Bull Mountain:		
(A) Sizes 1-6: Single-screened lump coals, bottom size larger than $\frac{1}{2}$ "; double-screened coals, top size larger than 2" and bottom size $1\frac{1}{4}$ " and larger-----	\$9.03	\$9.28
(B) Size 9: Double-screened pea coals, bottom size $1\frac{1}{4}$ " and top size not exceeding $1\frac{1}{2}$ "-----	7.28	7.28
(C) Size 10: Slack larger than 1" x 9" but not exceeding $1\frac{1}{4}$ " x 9"-----	5.78	5.78
Subdistrict 4, Lewistown:		
(D) Sizes 1-6: Single-screened lump coals, bottom size larger than $\frac{1}{2}$ ", double-screened coals, top size larger than 2" and bottom size $1\frac{1}{4}$ " and larger-----	7.28	7.78
(E) Size 9: Double-screened pea coals, bottom size $1\frac{1}{4}$ " and top size not exceeding $1\frac{1}{2}$ "-----	5.28	5.28

2. *Effective date.* This Amendment No. 2 shall become effective as of June 22, 1946.

Issued this 25th day of June 1946.

ARTHUR S. BRODHEAD,
Regional Administrator.

[F. R. Doc. 46-11756; Filed, July 3, 1946;
11:33 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-77]

KOPPERS COMPANY, INC.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of June A. D. 1946.

The Commission having, by its order dated June 26, 1945 entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed that Koppers Company, Inc., a registered holding company, sever its relationship with Eastern Gas and Fuel Associates and its subsidiaries by disposing of its direct and indirect ownership, control and holding of securities issued by Eastern Gas and Fuel Associates and its subsidiaries;

Koppers Company, Inc. having filed an application pursuant to section 11 (c) of the act for an extension of an additional year within which to comply with the Commission's order of June 26, 1945, above-described, said application for extension reciting that Koppers Company, Inc., has been unable in the exercise of due diligence to comply with said order within one year from the date thereof for the reason, among others, that proceedings are pending before the Commission under sections 11 (b) (2) and 11 (e) of the act with respect to the recapitalization of Eastern Gas and Fuel Associates; and

It appearing to the Commission, in the light of the particular circumstances, that it is appropriate to extend the time for compliance with the order of June 26, 1945 for an additional period of six months, without prejudice to the granting of subsequent extensions for such additional periods as may hereafter be found appropriate.

It is ordered, That Koppers Company, Inc. be, and hereby is, granted an additional period of six months from June 26, 1946 within which to comply with the provisions of the order of June 26, 1945 directing Koppers Company, Inc. to sever its relationship with Eastern Gas and Fuel Associates and its subsidiaries, without prejudice, however, to Koppers Company, Inc. to apply for an additional extension of time if the circumstances warrant.

By the Commission.

[SEAL]

NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11826; Filed, July 8, 1946;
10:42 a. m.]

[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO. ET AL.

MEMORANDUM OPINION AND ORDER

In the matters of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, Respondents, File No.

59-17; The United Light and Power Company and its subsidiary companies, Respondents, File No. 59-11; The United Light and Power Company, Applicant, File No. 54-25. Application No. 21.

On April 30, 1946 the Commission issued its findings and opinion in the above-captioned matter, finding that the plan for the liquidation and dissolution of American Light & Traction Company ("American Light"), in providing for the retirement of its 6% non-callable cumulative preferred stock at \$25 per share, was unfair and inequitable to preferred stockholders and that the payment of \$33 per share, would be fair and equitable.¹ The Commission, however, entered no order with respect to such plan but stated that if, within 30 days from the date of its opinion (or such additional time as might be granted upon a proper showing), the plan were amended in accordance with the opinion, an order of approval would issue. The opinion further stated that if no such amendment were filed within the allotted time, an order would be entered disapproving the plan and the Commission would proceed with appropriate action, under section 11 (d) of the Public Utility Holding Company Act, to secure compliance with its order of August 5, 1941 directing, among other things, the disposition by The United Light and Railways Company ("Railways") of its interest in the subsidiaries of American Light and the disposition by Railways and American Light of their holdings in the common stock of The Detroit Edison Company. Subsequently, we extended the period of time within which the plan might be amended to June 28, 1946.

American Light has not amended the plan in accordance with the Commission's opinion of April 30. It has however, expressed a willingness to amend the plan so as to provide for the prompt liquidation and dissolution of American Light and for the escrowing of assets sufficient in amount to protect the rights of preferred stockholders pending judicial review of any order which the Commission may enter approving or requiring the payment of an amount in excess of \$25 per share to the preferred stockholders.

As was pointed out in the Statement of Tentative Views on March 14, 1945² and in the memorandum opinion of June 2, 1945³ it was the Commission's conclusion that the most appropriate plan for compliance with the order of August 5, 1941 would provide, among other things, for the discharge of the claims of preferred stockholders by the immediate payment of \$25 per share with an appropriate deposit of cash in escrow for the payment of the balance, if any, of the amount which may be determined to be payable. We adhere to the view previously expressed. The

¹ The United Light & Power Company, et al., Holding Company Act Release No. 6603 (Chairman Purcell and Commissioners Pike and McCannaghey; Commissioners Healy and Caffrey dissenting).

² The United Light and Power Company, Holding Company Act Release No. 5661.

³ The United Light and Power Company, Holding Company Act Release No. 5840.

amendment which American Light has indicated a willingness to file will, as we understand it, make explicit provision for an escrow to become operative in the event of judicial review irrespective of the amount determined to be payable to preferred stockholders.⁴

Since the filing of our opinion of April 30, Commissioner Sumner Pike has resigned from the Commission and Chairman Ganzon Purcell has submitted his resignation to become effective as of June 30, 1946. In these circumstances, and in view of the fact that the ultimate disposition of the escrow fund will require further decision by the Commission, and since the new members thereof will not have had the benefit of prior argument on the issues of this case, we believe that the most appropriate course in the interest of expedition of the proceedings is to direct a reargument on the question of the amount payable to the preferred stockholders of American Light.

Furthermore, in view of the prior history of these proceedings and our desire to bring them to a conclusion as rapidly as possible, we think it appropriate to state that it is our present intention, unless we are satisfied that no judicial review of our determination is to be sought by any participant or unless American Light has filed an amended plan providing for a suitable escrow, to take appropriate steps, promptly after our decision subsequent to reargument, to enforce a plan pursuant to the provisions of section 11 (d), designed to permit progress under section 11 while the question of the amount payable to the preferred stockholders is being further litigated. More specifically it is our present view that such plan should contain provisions substantially as described in our memorandum opinion of June 2, 1945 and provide for the immediate payment of \$25 per share to preferred stockholders and for the creation of a cash escrow in the approximate amount of \$9,250,000 to be ultimately distributed to preferred or common stockholders of American Light in accordance with an order of this Commission which has become final and is no longer subject to judicial review. This amount appears to be ample to provide an additional \$15 per share of preferred stock⁵ plus such return thereon as may reasonably be determined to be appropriate during the period of time which may be required for litigation, and therefore will, in our opinion, provide adequate protection for the rights of preferred stockholders as they may be finally determined. At the reargument, opportunity will be provided to all participants to be heard with respect to the terms of an appropriate escrow arrangement.

Wherefore, It is ordered, That an oral argument in accordance with the foregoing be held at the Commission's offices in Philadelphia, Pennsylvania at 11:00 a. m. on July 23, 1946.

⁴ The present plan makes provision for an escrow to become operative only in the event of a determination by the Commission that \$25 is the amount to be paid to preferred stockholders.

⁵ The maximum contended for by preferred stockholders in this proceeding was \$40 per share.

It is further ordered, That American Light shall mail a copy of this opinion and order to each record holder of its preferred and common stock at their respective addresses, said mailing to be made not later than July 12, 1946.

By the Commission (Chairman Purcell and Commissioners McConnaughey, Caffrey, and McEntire), Commissioner Healy being absent and not participating.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

JUNE 28, 1946.

[F. R. Doc. 46-11827; Filed, July 8, 1946;
10:42 a. m.]

[File No. 70-1311]

VIRGINIA ELECTRIC AND POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of July A. D. 1946.

Virginia Electric and Power Company ("VEPCO"), a subsidiary of Engineers Public Service Company, a registered holding company, having filed with this Commission an application, and an amendment thereto, for exemption from the provisions of section 6 (a) of the Public Utility Holding Company Act of 1935, pursuant to the third sentence of section 6 (b) of said act, of the proposed issuance and sale of \$6,500,000 aggregate principal amount of unsecured promissory notes ("New Notes") to mature serially from February 1, 1947 to August 1, 1956 and to bear interest at the rate of 1 3/4% per annum; it being proposed to use the proceeds from the sale of the New Notes to retire, in accordance with their terms, presently outstanding note securities and to make capital additions; it being further proposed that the New Notes be issued to the following institutions, not for resale to the public:

	Principal sum
Bank of Manhattan Co., New York	\$1,800,000
Irving Trust Co., New York	1,800,000
First & Merchants National Bank of Richmond	450,000
State-Planters Bank & Trust Co., Richmond	550,000
The Central National Bank of Richmond	230,000
The Bank of Virginia, Richmond	150,000
Virginia Trust Co., Richmond	150,000
Bank of Commerce & Trusts, Richmond	120,000
National Bank of Commerce of Norfolk	220,000
The Seaboard Citizens National Bank of Norfolk	150,000
The Peoples National Bank, Charlottesville	105,000
The First National Bank of Newport News	75,000
First National Bank of Alexandria	55,000
Citizens Marine Jefferson Bank, Newport News	45,000
The Life Insurance Company of Virginia, Richmond	600,000
	6,500,000

Said application having been filed on the 31st day of May 1946, and the last

amendment thereto having been filed on the 17th day of June 1946, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 in said act, and the Commission not having received a request for a hearing with respect to said application, as amended, within the period specified in such notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the issuance and sale of the notes are solely for the purpose of financing the business of VEPCO and that they have been expressly authorized by the State Corporation Commission of Virginia, the commission of the State in which VEPCO is organized and doing business, and by the Utilities Commission of North Carolina, a State in which VEPCO is also doing business, and the Commission being satisfied that it is appropriate that the application be granted:

It is ordered, Pursuant to Rule U-23, and the applicable provisions of said act, and subject to the terms and conditions contained in Rule U-24, that the aforesaid application be, and the same hereby is, granted.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11831; Filed, July 8, 1946;
10:43 a. m.]

[File No. 70-1308]

ARKANSAS-MISSOURI POWER CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of July A. D. 1946.

Arkansas-Missouri Power Corporation, a registered holding company and a public utility company, has filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, with respect to the issue and sale to John Hancock Mutual Life Insurance Company of \$500,000 principal amount of first mortgage bonds, Series B, 2 1/2%, at a price (approximately 101.5% of principal amount) which will yield 2.80% from the date of purchase of the bonds to the date of their maturity plus accrued interest thereon from June 1, 1946. Said bonds will be dated June 1, 1946, will mature June 1, 1976, and will be secured by a supplemental indenture under the indenture securing the company's presently outstanding bonds. The company proposes to use the proceeds from such sale, to the extent permitted under said indenture, for additions and betterments to its electric and ice properties.

Said declaration having been filed on May 27, 1946, notice of filing having been given in the form and manner prescribed in Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of section 7 (c) are satisfied and that no adverse findings are necessary under section 7 and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be and the same hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11829; Filed, July 8, 1946;
10:43 a. m.]

[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO. ET AL.

NOTICE OF AND ORDER FOR HEARING; ACQUISITION OF CAPITAL STOCK OF MILWAUKEE SOLVAY COKE COMPANY BY MILWAUKEE GAS LIGHT COMPANY

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 2d day of July A. D. 1946.

In the matters of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, Respondents, File No. 59-17; The United Light and Power Company and its Subsidiary Companies, Respondents, File No. 59-11; The United Light and Power Company, Applicant, File No. 54-25. Application No. 21A.

Notice is hereby given that American Light & Traction Company ("American Light"), a registered holding company and a subsidiary of The United Light and Railways Company ("Railways"), also a registered holding company, and Milwaukee Gas Light Company ("Milwaukee Gas"), Milwaukee Solvay Coke Company ("Solvay") and Consolidated Building Company ("Consolidated"), all subsidiaries of American Light, have joined in filing with this Commission an amended application-declaration, designated as "Application No. 21A," pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder, concerning certain proposed transactions which are stated to be steps in a general program designed to facilitate compliance with the Commission's order of August 5, 1941 and its opinion of June 2, 1945 (Holding Company Act Releases Nos. 2923 and 5840, respectively) and to effect the liquidation of American Light and the distribution of its assets, in accordance with its pending plan therefor.

All interested persons are referred to said document, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Milwaukee Gas proposes to:

(1) Change all its presently authorized and outstanding common stock from a par value of \$50 per share to a par value of \$12 per share and to increase the total number of shares of its authorized common stock from 260,000 shares of the par value of \$50 per share to 1,150,000 shares of the par value of \$12 per share. The new shares of common stock will have one vote for each share, except that, in respect of such matters as to which the owners of its preferred stock now authorized are entitled to vote, the shares of new common stock shall have only twelve-fiftieths ($\frac{12}{50}$) of one vote per share, thereby preserving the existing proportionate voting power of the preferred and common stocks and also complying with the requirement to this effect imposed in the order of the Public Service Commission of Wisconsin dated March 26, 1946. There will be issued to holders of the outstanding common stock, in substitution for each share thereof, four and one-sixth ($4\frac{1}{6}$) shares of the new common stock. The foregoing action is designed to facilitate the distribution of the common stock of Milwaukee Gas in connection with the dissolution of American Light, in the proportion of one share of Milwaukee Gas common stock for each $2\frac{1}{2}$ shares of common stock of American Light.

(2) Acquire from American Light, in exchange for 362,828 shares of new common stock of Milwaukee Gas, all of the outstanding capital stock of Solvay. The aggregate par value (\$4,353,936) of shares so to be issued by Milwaukee Gas will be equal to the underlying book value of the common stock of Solvay at the date the transaction is consummated, and either before or concurrently with the consummation of the transaction Solvay will pay such cash dividend or dividends to American Light as may be necessary to accomplish that result.

(3) Purchase from Consolidated for \$24,000 in cash, the real estate (comprising all of the assets of Consolidated other than cash and similar assets) which adjoins the principal offices of Milwaukee Gas in the City of Milwaukee, Wisconsin. This real estate is now occupied by Milwaukee Gas as a tenant of Consolidated.

Consolidated proposes to transfer its remaining assets to American Light in consideration of the surrender by American Light for cancellation of all of the outstanding Common Stock of Consolidated, which will then be dissolved.

In connection with the consummation of the foregoing transactions American Light proposes to acquire pursuant to option contracts and by voluntary transfer, from directors of Milwaukee Gas, Solvay and Consolidated and from an officer of an affiliated company, an aggregate of 18 shares of the common stock of said three companies at the option prices of \$50 for one of the shares and \$1 each for twelve of such shares, and without consideration for five of the shares.

The application-declaration further states that the Public Service Commission of Wisconsin, the State Commission of the State in which Milwaukee Gas, Solvay and Consolidated are organized and doing business has authorized the change in the par value, the increase in the number of shares and the issuance

of the new common stock of Milwaukee Gas in exchange for shares of its old common stock; the issuance of 362,828 shares of such new common stock to American Light in exchange for the latter's holdings of the capital stock of Solvay, subject to the conditions that Milwaukee Gas shall not acquire title to the coke or gas producing plant of Solvay without the approval of such State Commission; and the purchase of real estate by Milwaukee Gas from Consolidated for \$24,000.

The applicants-declarants request that the order to be entered herein by the Commission recite that the following transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; (a) the transfer by American Light to Milwaukee Gas of 35,000 shares of the Common Stock, \$100 par value, of Solvay; (b) the issuance by Milwaukee Gas of 362,828 shares of its common stock \$12 par value, to American Light in exchange for the above-described shares of Solvay; and (c) the making or delivery of conveyances with respect to the sale by Consolidated to Milwaukee Gas of specified real estate in the city of Milwaukee for the cash consideration hereinabove mentioned.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said amended application-declaration and that said amended application-declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on such amended application-declaration under the applicable provisions of said Act and the Rules of the Commission thereunder be held on July 18, 1946, at 10:00 a. m., e. d. s. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in the proceedings shall file with the Secretary of the Commission, on or before July 16, 1946, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to Milwaukee Gas Light Company, Milwaukee Solvay Coke Company, Consolidated Building Company, The United Light and Railways Company, American Light & Traction Company, the Mayor and the Corporation Counsel of the Cities of Milwaukee, West Allis and Wauwatosa, Wisconsin,

the Public Service Commission of Wisconsin and to the Federal Power Commission by registered mail; that the applicants-declarants serve a copy of this order upon each holder of record on July 5, 1946, of the common stock of Milwaukee Gas Light Company by mailing the same, on or before July 8, 1946, to his last known address as shown by the books of the company; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of the issues presented by said amended application-declaration, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed change in the par value of the common stock of Milwaukee Gas, the increase in the number of shares and the issue, exchange and distribution of the new common stock of Milwaukee Gas are solely for the purpose of financing the business of Milwaukee Gas and have been expressly authorized by the State Commission of the state in which it is organized and doing business, or otherwise comply with the applicable standards and requirements of sections 6 and 7 of the act.

2. Whether the consideration proposed to be paid by Milwaukee Gas for the securities of Solvay and the real estate of Consolidated is reasonable.

3. Whether the acquisition by American Light of the shares of new common stock of Milwaukee Gas and of certain shares of common stock of Milwaukee Gas, Solvay and Consolidated from their directors and from an officer of an affiliated company complies with the applicable provisions of the act and the rules thereunder.

4. Whether the accounting entries to be recorded in connection with the proposed transactions on the books of the applicants-declarants are consistent with sound accounting principles and conform to the standards of the act.

5. Whether the fees, commissions or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

6. What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

7. Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11830; Filed, July 8, 1946;
10:43 a. m.]

[File No. 70-735]

CONSUMERS GAS CO.

ORDER GRANTING REQUEST FOR EXTENSION

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Philadelphia, Pennsylvania, on the 1st day of July 1946.

Consumers Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company, having requested a one year extension (to July 2, 1947) of the time fixed by our order of July 2, 1943 (Holding Company Act Release No. 4409) as extended by our Orders of June 16, 1944 and June 21, 1945 (Holding Company Act Release Nos. 5110 and 5876) within which Consumers Gas Company may purchase a maximum of 800 shares of capital stock of Reading Gas Company from non-affiliated interests as shares become available for purchase; and

Consumers Gas Company having stated that to date 126 shares of the capital stock of Reading Gas Company have been purchased, and that an additional one year extension is desired in order to consummate the said purchase program; and

It appearing to the Commission that the requested extension of time is not unreasonable or detrimental to the public interest or the interests of investors or consumers;

It is ordered, That Consumers Gas Company be, and hereby is, granted an additional period of one year from July 2, 1946, within which to consummate the proposed purchase program covered by our order of July 2, 1943, subject, however, to the same conditions and reservation of jurisdiction as are imposed by said order.

By the Commission.

[SEAL] NELLIE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11828; Filed, July 8, 1946;
10:42 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 6459]

SARA JAKOB

In re: Estate of Sara Jakob, deceased. File No. F-28-8902; E. T. sec. 5147.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Irma Guth, and her personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, and Henny Merker, and his personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, and each of them, in and to the estate of Sara Jakob, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Irma Guth, and her personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, Germany.

No. 132—6

Henny Merker, and his personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, Germany.

That such property is in the process of administration by the Treasurer of the City of New York, as depository, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 6, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11784; Filed, July 8, 1946;
9:50 a. m.]

[Vesting Order 6543]

AUGUST MENZEL

In re: Stock owned by and debts owing to August Menzel. D-28-5435-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That August Menzel, whose last known address is c/o Singer Nähmaschinen Aktiengesellschaft, Wittenberge,

Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-eight (28) shares of \$100 par value common stock of The Singer Manufacturing Company, 149 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by Certificates numbers 40950 for twenty-four (24) shares, 41740 for two (2) shares and 42540 for two (2) shares, and registered in the name of Douglas Alexander, together with all declared and unpaid dividends thereon,

b. Those two (2) debts or other obligations owing to August Menzel, by The Singer Manufacturing Company, 149 Broadway, New York, New York, in the amounts of \$663.62 and \$1,074.43, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 12, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11785; Filed, July 8, 1946;
9:50 a. m.]

[Vesting Order 6652]

GUSTAV HORZ

In re: Bank account owned by Gustav Horz, also known as Gustave Horz. F-28-11476-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Gustav Horz, also known as Gustave Horz, whose last known address is Heidenheim, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Gustav Horz, also known as Gustave Horz, by Union Bank & Trust Co. of Los Angeles, 760 South Hill Street, Los Angeles, California, arising out of a term savings account, Account Number 86312, entitled Gustav Horz, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it

should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11786; Filed, July 8, 1946;
9:50 a. m.]

[Vesting Order 6653]

GEORG HORZ

In re: Bank account owned by Georg Horz, also known as George Horz. F-28-11475-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Georg Horz, also known as George Horz, whose last known address is Oberesslingen/Neckar, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Georg Horz, also known as George Horz, by Union Bank & Trust Co. of Los Angeles, 760 South Hill Street, Los Angeles, California, arising out of a term savings account, Account Number 86316, entitled Georg Horz, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11787; Filed, July 8, 1946;
9:50 a. m.]

[Vesting Order 6666]

ANNA MOOSMAN

In re: Bank account owned by Anna Moosmann. F-28-13152-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Anna Moosmann, whose last known address is Rottweilerstrasse 352 Dunningen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anna Moosmann, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a Savings Account, Account Number 1,360,126, entitled Anna Moosmann, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11788; Filed, July 8, 1946;
9:51 a. m.]

[Vesting Order 6667]

HUGO MOOSMANN

In re: Bank account owned by Hugo Moosmann. F-28-13153-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hugo Moosman, whose last known address is Rottweilerstrasse 352 Dunningen, near Rottwell, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hugo Moosmann, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a Savings Account, Account Number 1,360,125, entitled Hugo

Moosmann, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11789; Filed, July 8, 1946;
9:51 a. m.]

[Vesting Order 6668]

WILHELMINA MULLER AND JACOB MULLER

In re: Bank account owned by Wilhelmina Muller and Jacob Muller. F-28-13191-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Wilhelmina Muller and Jacob Muller, whose last known address is

Molske Street 31, Neunkirchen, Saar, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Wilhelmina Muller and Jacob Muller, by Plymouth Five Cents Savings Bank, 44 Main Street, Plymouth, Massachusetts, arising out of a Joint Savings Account, entitled Wilhelmina Muller and Jacob Muller, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11790; Filed, July 8, 1946;
9:51 a. m.]

[Vesting Order 6670]

LUDWIG GEORGE PSCHORR

In re: Bank account owned by Ludwig George Pschorr. F-28-13260-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ludwig George Pschorr, whose last known address is Ludwigstrasse 3, Regensburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ludwig George Pschorr, by Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of a Term Savings Account, Account Number 394478, entitled Ludwig George Pschorr, maintained at the branch office of the aforesaid bank located at 110 South Spring Street, Los Angeles 12, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein

contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11791; Filed, July 8, 1946;
9:51 a. m.]

[Vesting Order 6671]

SOPHIE RAMUNKE

In re: Bank account owned by Sophie Ramunke, also known as Sophie Ramuenke. F-28-3067-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Sophie Ramunke, also known as Sophie Ramuenke, whose last known address is 5 Dreikreuzen Strasse, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Sophie Ramunke, also known as Sophie Ramuenke, by Bank of America National Trust and Savings Association, 1 Powell Street, San Francisco, California, arising out of a Savings Account, Account Number 3633, entitled Sophie Ramunke, maintained at the branch office of the aforesaid bank located at 706 Market Street, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the law-

fulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11792; Filed, July 8, 1946;
9:51 a. m.]

[Vesting Order 6672]

FRIEDA WILHELMINE REINEDE

In re: Bank account owned by Frieda Wilhelmine Reinede. F-28-23942-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Frieda Wilhelmine Reinede, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Frieda Wilhelmine Reinede, by First State Bank, Scottsbluff, Nebraska, arising out of a Certificate of Deposit Account, entitled Frieda Wilhelmine Reinede, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to

be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11793; Filed, July 8, 1946;
9:51 a. m.]

[Vesting Order 6673]

AUGUSTE SASS

In re: Bank account owned by Auguste Sass, also known as Auguste Rehder Sass, F-28-8610-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Auguste Sass, also known as Auguste Rehder Sass, whose last known address is Obendeich uber Glueckstadt-Land, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Auguste Sass, also known as Auguste Rehder Sass, by Security-First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles, California, arising out of a Term Savings Account, Account Number 393600, entitled Auguste Sass, maintained at the branch office of the aforesaid bank located at 110 South Spring Street, Los Angeles 12, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliv-

erable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11794; Filed, July 8, 1946;
9:52 a. m.]

[Vesting Order 6674]

EMILIE SCHLINK

In re: Bank account owned by Emilie Schlink, F-28-613 E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Emilie Schlink, whose last known address is Gutesloh, Germany, is

a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Emilie Schlink, by The Indiana Trust Company, 117 East Washington Street, Indianapolis 4, Indiana, arising out of a Saving Account, Account Number 164231, entitled Emilie Schlink, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11795; Filed, July 8, 1946;
9:52 a. m.]

[Vesting Order 6675]

SOPHIE TOPP

In re: Bank account owned by Sophie Topp. F-28-23940-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Sophie Topp, whose last known address is Hallen Post Lamstadt Kreis, Germany, is a resident of Germany, and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Sophie Topp, by Ridgewood Savings Bank, Myrtle and Forest Avenues, Ridgewood, New York, arising out of a Savings Account, Account Number 27440, entitled Sophie Topp, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11796; Filed, July 8, 1946;
9:52 a. m.]

[Vesting Order 6681]

ELISABETH HIERONYMI

In re: Bank account owned by Elisabeth Hieronymi. F-28-22666-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Elisabeth Hieronymi, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elisabeth Hieronymi, by Central Savings Bank in the City of New York, Broadway at 73rd Street, New York, New York, arising out of a savings account, Account Number 1,132,555, entitled George Hieronymi in trust for Elisabeth Hieronymi, Trustee, deceased, maintained at the branch office of the aforesaid bank located at Fourteenth Street, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 20, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11797; Filed, July 8, 1946;
9:52 a. m.]

[Vesting Order 6684]

ALICE KUSSWETTER

In re: Bank account owned by Alice Kusswetter.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Alice Kusswetter, whose last known address is 45 Winterbachstrasse, Frankfurt, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Alice Kusswetter or Marion Iler, by Emigrant Industrial Savings Bank, New York, New York, arising out of a savings account, Account Number 136778, entitled Alice Kusswetter or niece, Marion Iler, or the survivor, maintained at the branch office of the aforesaid bank located at 5 East 42nd Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending

further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 20, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11798; Filed, July 8, 1946;
9:52 a. m.]

[Vesting Order 6685]

HENRY LEONHARDY

In re: Bank account owned by Henry Leonhardy.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Henry Leonhardy, whose last known address is Nuernberg, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Emigrant Industrial Savings Bank, 51 Chambers Street, New York, New York, arising out of a savings account, Account Number 1281916, entitled Karl Pauli, trustee, for Henry Leonhardy, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Henry Leonhardy, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and

certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 20, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11799; Filed, July 8, 1946;
9:53 a. m.]

[Vesting Order 6687]

M. MIHO

In re: Bank account owned by M. Miho also known as Mikitaro Miho.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That M. Miho, also known as Mikitaro Miho, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to M. Miho, also known as Mikitaro Miho, by The National City Bank of New York, New York, New York, arising out of a checking account, entitled M. Miho, maintained at the branch office of the aforesaid bank located at 22 William Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 20, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11800; Filed, July 8, 1946;
9:53 a. m.]

[Vesting Order 6729]

ELISABETH GERHARD

In re: Bonds owned by and debt owing to Elisabeth Gerhard. F-28-6034-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Elisabeth Gerhard, whose last known address is % Schering, A. G., Abtl. Bibliothek, Muellerstrasse 170-72, Berlin 65, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten Missouri Pacific Railroad 1st and Refunding F Stamped 5% bonds, due March 1, 1977, each of \$1,000 face value, bearing the numbers 90805 through 90814 inclusive, issued in the name of bearer, presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation owing to Elisabeth Gerhard, by City Bank Farmers Trust Company, 22 William Street, New York, New York, in the amount of \$6,385.11, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11801; Filed, July 8, 1946; 9:53 a. m.]

[Vesting Order CE-184, Amdt.]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW JERSEY COURTS

Vesting Order Number CE-184, dated March 14, 1946, is hereby amended as follows and not otherwise:

By deleting the words "Guisseppina Giori Administratrix, % Harry L. Schneider, 262 Main St., Paterson 1, N. J.," appearing in Column 5 of Item 1 in Exhibit A., and substituting therefor the words "Haledon National Bank, Haledon, N. J., Savings Account No. 10636 for the credit of Luigi Gerosé."

All other provisions of said Vesting Order Number CE-184 and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 25, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11802; Filed, July 8, 1946; 9:53 a. m.]